

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 87 OF 2024
(Subject – Transfer)**

DISTRICT : BEED

Jitendra s/o Shankarrao Raut,)
Age : 53 years, Occu. : Service as)
Sub-Inspector, State Excise Department, Beed,))
R/o Maharashtra Bank Colony, Canal Road,)
Shinde Nagar, Beed.) **APPLICANT**

V E R S U S

1. **State of Maharashtra,**)
Through its Principal Secretary,)
State Excise Department,)
Mantralaya, Mumbai-400032.)
2. **The Commissioner of State Excise,**)
Maharashtra State, Mumbai, Second)
Floor, Old Custom House, Shahid)
Bhagatsingh Road, Fort, Mumbai-23.)
3. **The Superintendent of State Excise,**)
Beed.)
4. **The Superintendent of State Excise,**)
Nanded.)

... RESPONDENTS

APPEARANCE : Shri H.P. Jadhav, counsel holding for Shri A.K. Tiwari, Counsel for Applicant.

: Smt. Resha Deshmukh, Presenting Officer for respondent authorities.

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.05.2024

ORAL - ORDER

1. Heard Shri H.P. Jadhav, learned counsel holding for Shri A.K. Tiwari, learned counsel appearing for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of finally with the consent of both the parties at the admission stage.

3. The present matter is about the transfer of the applicant in terms of the directives issued by the Election Commission of India by way of communication dated 21.12.2023. The applicant is working as Sub-Inspector, State Excise and by impugned order 29.01.2024; the applicant came to be transferred from the post of Sub-Inspector, State Excise, Georai, Dist. Beed to M/s Swapnalok Distribution Hub Pvt. Ltd., FL-1 License, Pasadgaon, Tq. And Dist. Nanded.

4. Learned counsel for the applicant submits that in terms of para No. 3 of the directives issued by the Election Commission of India dated 21.12.2023, the officer who is directly connected with the elections is required to be transferred under two conditions i.e. (i) if she/he is posted in her/his home district and (ii) if she/he has completed three years in that

district during last four (4) years or would be completing 3 years on or before 30th June, 2024. Learned counsel submits that the applicant being a Sub-Inspector, State Excise is not directly connected with the elections and as such, the transfer policy as declared by the Election Commission of India is not applicable to the case of the applicant.

5. Learned Presenting Officer submits that undisputedly the revenue district Beed is the home district of the applicant and the applicant before his transfer by impugned order was holding executive post. In view of the same, there is no substance in the present Original Application and the same is liable to be dismissed.

6. The applicant is working as Sub-Inspector, State Excise and in terms of the para No. 5.4, these instructions shall also be applicable to the officers of the Prohibition and Excise Department of the State of the rank of Sub-Inspector and above. Said para No. 5.4 of the directives issued by the Election Commission of India dated 21.12.2023, which is relevant for the present discussion is reproduced herein below :-

“5.4 Prohibition and Excise Officers:- Further, these instructions shall also be applicable to the officers of the Prohibition and Excise Department of the State of the rank of Sub-Inspector and above.”

7. The applicant being an officer of the Prohibition and Excise Department of the rank of Sub-Inspector in terms of para No. 3 of the said directives issued by the Election Commission of India dated 21.12.2023 is directly connected with the elections and as such, shall not be allowed to continue in the district, which is his home district. I do not find any fault in the impugned order dated 29.01.2024. There is no substance in the present Original Application and the same is liable to be dismissed. Hence, the following order :-

ORDER

- (i) The Original Application No. 87/2024 is hereby dismissed.
- (ii) In the circumstances, there shall be no order as to costs.
- (iii) The Original Application is accordingly disposed of.

PLACE : Aurangabad.

DATE : 08.05.2024

(Justice V.K. Jadhav)
Member (J)

KPB S.B. O.A. No. 87 of 2024 VKJ Transfer