

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 962 of 2023 (S.B.)

Santosh S/o Sayaji Admulwad,
Aged:36 Yrs, Occ: Service (Naib Tahsildar),
R/o Arni Dist. Yavatmal.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Joint Secretary,
Revenue and Forest department,
Mantralaya, Mumbai-32.
- 2) The Divisional Commissioner,
Amravati Division, Amravati.
- 3) The Collector,
Yavatmal Tq. Dist. Yavatmal.

Respondents.

S/Shri S.M. Golhar, A.P. Kalmegh, S.A. Surpaithankar, Advs. for the applicant.

Shri A.M. Khadatkhar, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 16/10/2024.

J U D G M E N T

Heard Shri S.M. Golhar, learned counsel for the applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

2. The applicant has challenged the transfer order dated 28/07/2023 by which the applicant was transferred from Mahagaon to

Umarkhed. The applicant was earlier transferred to Mahagaon as per transfer order dated 25/05/2023. Within two months by the impugned order, the applicant was transferred from Mahagaon to Umarkhed. Therefore, the applicant approached to this Tribunal. This Tribunal has granted stay to the impugned order on 22/08/2023. The respondents have filed reply. It is submitted that due to election, the applicant was transferred within two months on administrative ground. Therefore, the O.A. is liable to be dismissed.

3. During the course of submission learned counsel for applicant has filed pursis. It is marked Exh-X for identification. Along with the pursis, he has filed transfer order dated 06/08/2024. As per this transfer order, one Shri V.L. Rane is posted at Umarkhed. Therefore, the impugned order becomes infructuous in view of the subsequent transfer order dated 06/08/2024.

4. There is no dispute that the applicant was not due for transfer. He was posted at Mahagaon on 25/05/2023. Within two months he was transferred to Umarkhed as per order dated 28/07/2023. Hence, the impugned transfer order is illegal and liable to be quashed and set aside. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The impugned transfer order dated 28/07/2023 in respect of applicant only is hereby quashed and set aside.

(iii) No order as to costs.

Dated :- 16/10/2024.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 16/10/2024.