

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 353 OF 2024

(Subject:- Transfer)

DISTRICT:-HINGOLI

Shri Atmaram Limbaji Bondre,)
Aged 43 Yrs, Working as Project Officer,)
Jaljivan Mission, Zilla Parisahd, Hingoli,)
R/o. ---do---)
Mob. No. 9284397344)
Atma.bondre@gmail.com) **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Through Principal Secretary,)
Rural Development Department,)
Having Office at Bandhkam Bhavan,)
25 Marzban Road, Fort,)
Mumbai – 400001.)
2. **The Chief Executive Officer,**)
Zilla Parishad, Hingoli.)
3. **The Chief Electoral Officer,**)
[M.S.], Mumbai.)
Having Office at Mantralaya,)
Mumbai – 400 032.)
4. **Sanjay Kulkarni,**)
Aged Adult, Working as)
Block Development Officer,)
Class-I, Paithan,)
Dist. Chhatrapati Sambhaji Nagar.) **RESPONDENTS**

APPEARANCE : Shri V.B. Wagh, learned counsel for
the applicant.

: Shri A.P. Basarkar, learned Presenting
Officer for the respondent authorities.

: Shri Pradeep Shahane, learned counsel
for respondent No.2.

: Shri A.B. Rajkar, learned counsel for
respondent No.4.

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

DATE : **08.05.2024.**

ORAL - ORDER

Heard Shri V.B. Wagh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, Shri Pradeep Shahane, learned counsel for respondent No.2 and Shri A.B. Rajkar, learned counsel for respondent No.4 finally with consent at admission stage.

2. Learned counsel for the applicant submits affidavit in rejoinder. The same is taken on record and copies thereof are given to other sides.

3. This is about the transfer of the applicant in terms of directives issued by the Election Commission of India by way of communication dated 21.12.2023.

4. In this context, learned counsel for the applicant submits that the applicant was working as a Project Officer, Jaljivan Mission, Zilla Parishad, Hingoli.

5. Learned counsel for the applicant submits that it is true that the applicant has completed more than three years out of last four years, however, he was not directly connected with the elections in any manner at any point of time. Even then, by impugned order dated 23.02.2024, the applicant came to be transferred from the post of Project Officer, Jaljivan Mission, Zilla Parishad, Hingoli to the post of Block Development Officer, Panchayat Samiti, Paithan, Dist. Chh. Sambhajinagar.

6. Learned counsel for the applicant submits that Nodal Officer, Electrol Registration Officer and Assistant Registration Electrol Officer only are connected with the election duties and since the applicant was not assigned any of the said duties, only on the basis of some anticipation of the duties connected with the elections, the applicant came to be transferred midterm and mid-tenure by violating the directives issued by the Election Commission of India.

7. Learned counsel for the applicant submits that even from the information submitted by the Chief Executive Officer, Zilla Parishad, Hingoli by way of communication dated 07.02.2024 to the Government, Maharashtra State it is

crystal clear that the applicant was not assigned with any elections duties.

8. Learned counsel for the applicant submits that the impugned order of transfer of the applicant which is midterm and mid-tenure is liable to be quashed and set aside.

9. Learned Presenting Officer, learned counsel for respondent No. 2 and learned counsel for respondent No.4 submit that the applicant has completed more than three years out of last four years in Hingoli District and the aforesaid information by way of communication dated 07.02.2024 to the Government was given after consideration of the directives issued by the Election Commission of India.

10. It has been made clear in the said communication that the applicant is not assigned with any election duties. However, it is also submitted that the applicant was likely to be given the election duties as stated in the remark column at Exh. 'F', page No. 42 and therefore, in terms of directives issued by Election Commission of India, he was liable to be transferred. Learned Presenting Officer, learned counsel for

respondent No. 2 and learned counsel for respondent No.4 submit that the Civil Services Board accordingly recommended the transfer of the applicant in view of directives issued by Election Commission of India. They submit that there is no substance in the Original Application and the same is liable to be dismissed.

11. On careful perusal of the pleadings so also the annexures it appears that the applicant has completed three years out of four years at District Hingoli and he is likely to be assigned with the election duties in future.

12. So far as the information by way of communication dated 07.02.2024 provided to the Government is concerned, the subject of the communication is about the information provided in terms of ensuing parliamentary election. Further it is clear from the remark column, Exh. 'F' page No. 42, that the applicant is likely to be assigned with the elections in future. It further appears that even though the voting in Hingli district is over, however, as per the election schedule, counting and other things are required to be completed.

13. Learned counsel for the applicant vehemently submits that the applicant is not likely to be given any assignment regarding to the poll counting. Generally, the revenue officers are taken for counting purpose. Considering the said post held by the applicant and since the applicant has been completed more than three years out of last four years, I am not inclined to consider this Original Application. Hence, the following order:-

ORDER

- (A) The Original Application is hereby dismissed.
- (B) In the circumstances, there shall be no order as to costs.
- (C) The Original Application is accordingly disposed of.

MEMBER (J)

Place:-Aurangabad
Date : 08.05.2024
SAS O.A. 353/2024(S.B.) Transfer