

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7952 OF 2013

Manoj Venkoba Lokhande .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Mahesh P. Kale, Advocate for the Petitioner.

Shri G. K. Thigle, A.G.P. for Respondent Nos. 1 and 4.

Shri Vivek V. Bhavthankar, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 13TH JANUARY, 2015.

PER COURT :

. Mr. Kale, the learned counsel states that, the Divisional Commissioner has not considered the fact that, the petitioner is seeking repatriation. Since the Parbhani district was bifurcated and Hingoli district was created, the petitioner was temporarily transferred to Hingoli. The Government Resolution gives option to the employees. The petitioner is seeking retransfer to his original establishment. Even the time limit which was scheduled in the earlier resolution has been withdrawn. The petitioner had exercised option in the year 2001 itself, however, the Commissioner has not taken into

consideration said aspect while passing impugned order. According to the learned counsel in respect of other employees who were temporarily transferred along with petitioner and were similarly situated, this Court in Writ Petition 242 of 2009 has already directed the Commissioner to pass order in view of decision of the Government dated 19.09.2007. The petitioner cannot be discriminated.

2. Mr. Bhavthankar, the learned counsel for the respondent/Zilla Parishad submits that, in view of judgment passed by this Court dated 18th December, 2009 in Writ Petition No. 4098 of 2009, the case of the petitioner now cannot be considered.

3. Mr. Kale, the learned counsel submits that, prayers made in present writ petition and earlier writ petition are different.

4. We have gone through the order passed in Writ Petition No. 4098 of 2009 filed by the petitioner himself. In the said writ petition, the Division Bench of this Court vide order dated 18th December, 2009 did not accept the contention of the petitioner that, the petitioner was transferred temporarily. In the said writ petition also the similar prayers were made, though the same are worded differently the effect would be the same.

5. In the light of the judicial pronouncement in the earlier Writ petition No. 4098 of 2009 vide order dated 18th December, 2009, present writ petition cannot be considered. The writ petition as such is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 15