

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.655 of 2014

WRIT PETITION NO. 655 OF 2014

Daulat s/o Sarangadhar Dhawale,
Age 28 years, Occu: Service,
r/o. Gayanagar Sanskar colony,
Jalna Road, Beed.

...PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary of
Water Supply & Sanitary Department
Mantralaya, Mumbai.
2. The Director,
Ground Water Survey & Development
Agency Pune 5.
3. The Dy. Director
Ground Water Survey & Development
Agency Aurangabad.
4. The Chief Executive Officer,
Zilla Parishad Beed
Dist. Beed.

...RESPONDENTS

...
Advocate for Petitioner : Mr.Patil Prakashsing B.
AGP for Respondent State:Mr.P.P.More
Respondent no.4 served.

...
CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: April 18, 2015

...

PER COURT :-

1. Heard. Rule. Rule made returnable and heard

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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(2)

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forthwith with the consent of the parties.

2. This petition is filed with following prayer:

"B. By appropriate Writ in the nature of Certiorari or any other writ of like nature or by appropriate directions or appropriate orders the impugned order dated 22/4/2013 passed by respondent no.2 may please be quashed and set aside to the extent of petitioner and the petitioner may please be Repatriated with parent department on vacant post for which the petitioner is entitle for. "

It is the case of the petitioner that he was appointed as an Assistant Driller by respondent no.2. On 17th April, 2013, the Government had taken a decision to transfer the Scheme of Drilling and Blasting of Wells to various Zilla Parishads. Therefore, 366 employees of Class C and Class D were declared surplus and it was decided to transfer the said employees permanently in various Zilla Parishads. It is further the case of the petitioners that there was vacant post of Assistant Driller with the parent department and even then the petitioner is transferred to Zilla Parishad, Beed, permanently in contravention of Government Resolution dated 17th April, 2013. The order dated 17th April 2013 was modified by order dated 9th December, 2013, by considering representations made by some of the employees but the representation of the petitioner was not favourably considered.

3. In response to the notices issued to the respondents,

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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(3)

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respondent nos. 1 to 3 have filed affidavit in reply on 16th April, 2015, and also further affidavit. Para no.3 of the said affidavit reads thus:

"3. I say and submit that, though affidavit in reply was filed on 20.3.2015, vacancy position was not explained in the said affidavit as order dated 16.3.2015 was not within the knowledge of this deponent. After going through the order passed by the Hon'ble High Court, the Office of the Director, Ground Water Survey and Development Agency has forwarded communications which is addressed to the Under Secretary, Water Supply and Sanitation Department, Mantralaya, Mumbai dated 3rd October, 2013, and 16th July, 2014. As per the format annexed to the said communications the list of the employees to be absorbed on permanent basis from Zilla Parishad, to Ground Water Survey and Development Agency, wherein name of the Petitioner is at Sr.No.9. It is pertinent to mention here that as per the said list one vacancy at Amravati is available. Here to annexed and marked as Exhibit R-1 collectively are the copies of communication dated 3rd October, 2013 and 16th July, 2014. "

4. Since there is one vacancy at Amravati, the petitioner's grievance can be redressed. In that view of the matter, we direct respondent no.3 to absorb the petitioner at Amravati on the existing vacancy as expeditiously as possible, preferably within four weeks from today.

The petition stands disposed of in above terms. Rule made absolute.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

AGP/-