

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11627 OF 2014

UTTAM MADHUKAR NARLAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Patil Hanmant V.
AGP for Respondents 1 and 2: Mr. S.S. Tope
Advocate for Respondent No.3 : Mr. A.G. Choudhari

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 28th JULY, 2015

P.C. :-

1. The petitioner assails the order of transfer dated 13.6.2014 whereby the petitioner is transferred from Mukhed, District Nanded to Narkhed, District Nagpur.

2. Mr. Patil, the learned counsel for the petitioner submits that the petitioner is working in Grade B post at Mukhed, however, vide the impugned transfer order the petitioner is transferred at Grade C post at Narkhed, District Nagpur. The salary of the petitioner also would be affected. The person cannot be transferred on the lower post than the post which he holds. The petitioner is working as Junior Engineer, Grade B, is being transferred on the post of Junior Engineer, Grade C, which is not permissible.

3. Mr. Tope, the learned A.G.P. for respondent Nos. 1 and 2 states that the Assistant Regional Directorate of Municipal Administration has filed an affidavit wherein it is clearly stated that the transfer order passed by the Directorate has not been given effect. The petitioner is working in Grade B and as per the seniority his request for transfer would be considered.

4. Mr. Choudhari, the learned counsel for respondent No.3 submits that respondent No.3 sought guidance from respondent No.2 as the person, who was transferred in place of the petitioner was also insisting to take charge but no reply was received from respondent No.2.

5. We have considered the submissions canvassed by the learned counsel for the respective parties. Certainly, the person working as Junior Engineer, Grade B cannot be transferred to lower post of Grade C. Moreover, respondent No.2 has also filed an affidavit stating that the order of transfer dated 13.6.2014 has not been given effect, as the petitioner has to be transferred in Grade B cadre only. It is also stated in the affidavit that the same would be considered as per the seniority. 15 Engineers have been posted, there is no vacant post in Grade B in Aurangabad Division.

6. In the light of above, considering the reply filed by the respondent, the petitioner will have to be given posting of Grade B post and respondent Nos. 2 and 3 shall communicate with each other to end this deadlock and place the petitioner at an appropriate place of Grade B, expeditiously within one month from the date of this order.

7. Writ petition is disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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