

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8052 OF 2015

Mahendra Ramnath Shelke .Petitioner

v/s.

The Deputy Director of Land .Respondent
Records, Pune Region, Pune

Mr.Sagar Mane i/b. Mr.G.A.Bandiwadekar,
Advocate, for the Petitioner
Mr.Y.N.Sagare, AGP, for the Respondent

**CORAM : ANOOP V. MOHTA AND
V.L.ACHLIYA, JJ.**

DATE : 11.08.2015

ORDER

. Rule.

2. Rule, returnable forthwith.

3. The Petitioner has challenged a part of the impugned order dated 23.07.2015 to the extent where the learned Member while setting aside transfer order directed the Respondent to

post the Petitioner anywhere as per the availability of vacancy in Pune as stated in para 21 of the Affidavit-in-reply. Para 21 of the Affidavit-in-reply reads as under :

"21. With reference to para 6.17, I say that contents of this para has already been dealt with while giving reply to para 6.3. As per these remarks applicant is required to be transferred. This respondent has power to transfer the applicant in any suitable post on administrative ground. Optionally if applicant desires to get transfer in Pune head quarter only, this respondent is ready to post him anywhere in Pune on available vacant post except Dy.S.L.R. Haveli office as per policy decided by respondent. It is humbly submitted to Hon'ble Tribunal, that this respondent has power to post applicant on any post in Pune on administrative ground."

4. Considering the Affidavit so made read with the Order so passed, at this stage, we see there is no illegality in passing such order. However, it is made clear that the Petitioner is at liberty to make representation and the

Respondent to consider the same in accordance with law. The fact of setting aside transfer order itself means there is no transfer order operating against the Petitioner. Therefore, no case is made out to interfere with the same.

5. The Petition is disposed of with liberty to apply for appropriate representation. No costs.

(V.L.ACHLIYA, J.)

(ANOOP V. MOHTA, J.)