

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

WRIT PETITION NO. 786 OF 2015

Mrs. Ahwini Ashok Channe	...	Petitioner
V/s.		
Thane Zilla Parishad & ors.	...	Respondents

Mr. V.K. Bodhare for the petitioner.

Mr. S.P. Thorat for respondents 1 and 2.

Mr. V.N. Sagare, AGP for respondents 3 and 4.

***CORAM : NARESH H. PATIL AND
A.S. GADKARI, JJ.***

13th March, 2015.

P.C.

Heard learned Counsel for the parties.

2. The petitioner, Zilla Parishad employee was transferred from Bhiwandi to Palghar, a tribal area. The petitioner was not inclined to accept the said transfer order on two grounds; her health condition and health condition of her son. The petitioner made representation to the Chief Executive Officer, Thane.

3. For considering her request for a change of placement it is submitted by Counsel that representation was not attended to and petitioner could not join the transferred place in tribal area. The petitioner had give certain options of alternate places where she could be transferred.

4. On instructions learned Counsel appearing for Thane Zilla Parishad submits that in accordance with the directions issued by the Division Bench in the order dated 24th December, 2013 (page 17) the Zilla Parishad is taking action. It is noticed that there is reluctance on the part of the employees to shift from non-tribal to tribal areas for discharging their duties. Learned Counsel submits that petitioner has not joined duties since last one year. The administration so far has not taken any cognizance of her absence from duty.

5. We have perused the record. Firstly, we observe that just because the representations made by the petitioners are not attended to by the Zilla Parishad, she is not entitled to sit at home without joining duties. The petitioner submits that she has suffered paralytic attack and her son is not

keeping well, therefore, she be shifted to nearby tribal area.

6. In the facts of the case we direct the Commissioner of Konkan Region/Chief Executive Officer of Zilla Parishad to attend to the representation submitted by petitioner in the light of the view adopted by Division Bench of this Court in the Public Interest Litigation No. 181/2013 alongwith connected matters. The alternate places suggested by the petitioner shall be looked into.

7. We direct the Commissioner/Chief Executive Officer to take cognizance of absence of the petitioner from duties since last one year and deal with the same departmentally. The Commissioner shall communicate the decision within two weeks from today. With aforesaid directions and observations, Writ Petition is disposed of.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.