

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5967 OF 2015

Vilasrao S/o Bhagwantrao Deshmukh

-vs-

State of Maharashtra, thr. its Secretary, Public Works Department and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. G.G.Bade, counsel for the petitioner.

Mrs.Bharti Dangre, GP & Mr. N.R. Rode, AGP for the respondents.

CORAM : SMT. VASANTI A. NAIK &
A.I.S.CHEEMA, JJ.

DATE : 27.10.2015.

By this petition, the petitioner challenges the interlocutory order passed by the Maharashtra Administrative Tribunal, refusing to grant stay to the order of transfer of the petitioner from Akola Division No.1 to Akola Road Project.

On hearing the learned counsel for the parties and on a perusal of the impugned order, we find that there is no scope for interference with the impugned order in this writ petition. Before filing the present original application bearing No.521 of 2015, the petitioner had filed original application bearing No.262 of 2015, challenging the order of transfer from Akola Division No.1 to Akola Road Project. Without seeking any liberty, the petitioner withdrew Original Application No.262 of 2015 on 09/07/2015. The Tribunal rightly held that since the petitioner withdrew the earlier original application without liberty, the petitioner could not have filed the second original application for challenging the transfer of the petitioner from Akola Division No.1 to Akola Road Project. Also, the Tribunal found that the transfer of the petitioner was made due to

administrative exigency and in the circumstances of the case, the order could not have been stayed during the pendency of the original application.

Since the order of the Tribunal is just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE