

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6172 OF 2016

**GULABRAO RAJARAM KHARAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr.B.R.Warma, Advocate for petitioner

Mr.S.K.Kadam, AGP for respondents

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : JUNE 16, 2016

PER COURT :

Heard the learned Counsel appearing for the petitioner and the learned AGP appearing for the respondents.

2] This petition takes exception to the impugned order dated 13.06.2016 passed by the learned Member (J.), Maharashtra Administrative Tribunal, Aurangabad.

3] The learned Counsel for the petitioner submits that the petitioner was on election duty in Assam

State as an Observer during the relevant period and he came to be transferred and relieved to Nandurbar , which action of the respondents is not keeping in conformity with the relevant procedure. He further submits that nobody is appointed on the place/post at Jalgaon as Addl. Collector in place of the petitioner. Therefore, the learned Counsel for the petitioner submits that till the Original Application is decided by the Maharashtra Administrative Tribunal, the said post may be directed to be kept vacant. He further submits that some Officers have been promoted and somebody is likely to be appointed as Addl. Collector at Jalgaon.

4] The learned AGP appearing for the State submits that the charge of the said post at Jalgaon is kept with the Deputy Collector (Revenue).

5] In our view, since the petitioner is relieved from the said post and some Officer is supposed to discharge the functions of the said post, we cannot accede to the prayer of the petitioner and restrain the respondents from appointing some other Officer on the post of the Addl. Collector, Jalgaon.

6] In that view of the matter, we are not inclined to interfere with the impugned order. Hence, the Writ Petition stands dismissed.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]