

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11266 OF 2016

Nanasaheb S/o Bhanudas Bhosale

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.M.P. Kale advocate for the petitioner
Mr.S.J. Salgare, AGP for Respondents

CORAM : R.M. BORDE &
SANGITRAO S. PATIL, JJ

(Date : 17th November, 2016.)

PER COURT :-

1 The petitioner is objecting to the order passed by the Maharashtra Administrative Tribunal (MAT) on 7.10.2016 in Original Application No.377 of 2016, rejecting the Original Application presented by the petitioner raising challenge to the order of transfer issued by the respondent.

2 The petitioner was inducted in the Counter Terrorist Unit, Osmanabad by virtue of the order of transfer issued on 6.9.2012. Normal tenure on the transferred post, as per the Rules, is of five years duration. The respondents, however, issued order, transferring the petitioner before completion of five years tenure

on 13.5.2015 which was a matter of challenge in Original Application No.717 of 2015. The aforesaid Original Application presented by the petitioner was partly allowed and respondents were directed to allow the petitioner to work in the Counter Terrorist Unit, Osmanabad till he completes his tenure or till the competent authority finds some administrative exigency to transfer him on administrative grounds. It was observed by the MAT in the order that, if the respondents find the continuation of the petitioner in Counter Terrorist Unit as not suitable, on administrative grounds, liberty was kept open for the respondents to take appropriate decision in that regard.

3 The respondents reviewed the performance of the petitioner on administrative side and reached conclusion that, the continuation of the petitioner in Counter Terrorist Unit is not in the interest of administration and in order to meet administrative exigency, a fresh order of transfer came to be issued on 3.5.2016. The said order came to be challenged by presenting Original Application No.377 of 2016 which came to be dismissed by the MAT by order dated 7.10.2016

4 We have perused the order passed by the Tribunal. We do not find any reason to cause interference in the well reasoned

order passed by the Tribunal. It has been brought on record that, the petitioner has completed 20 years service within town or tahsil of Osmanabad on various posts and as such, it was found desirable to direct his transfer out of Osmanabad. There is neither allegation that the order of transfer is malafide or in colourable exercise of powers, nor is it alleged that, the order has been issued to accommodate any other employee. The administrative decision taken by the respondents, directing transfer of the petitioner need not be interfered with.

5 The writ petition is devoid of substance and hence stands dismissed.

(SANGITRAO S. PATIL, J)

(R.M.BORDE, J)