

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 7418 OF 2016

Commander A.K. Chaudhary

...Petitioner

*Versus*1.Union Of India Through Secretary
And Ors.

...Respondents

*Mr.Angsuman N.Ojha, for the Petitioner.**Mr.Neel Helekar i/b. Mr.A.R.Gole, for Respondent Nos.1 to 3.*

**CORAM : ANOOP V. MOHTA &
G.S. KULKARNI, JJ.****DATE : 5th August, 2016.**

ORDER:

1. The challenge in the Writ Petition is to the transfer order dated 5 April 2016 issued by the Respondents transferring the Petitioner from Mumbai to Porbander. The grievance of the Petitioner is that due to the education of his daughter and as also there being some medical issue pertaining to the daughter, he be continued to be posted at Mumbai. A representation was made by the Petitioner to the concerned authorities against the transfer as also requesting that the Petitioner be permitted to retain accommodation at Mumbai. The Respondents have appeared and

have filed an affidavit of opposition.

2. During the pendency of this Writ Petition, the Respondent-Principal Director has issued a communication dated 22 June 2016 to the Petitioner whereby it has been recorded that the Petitioner would be permitted to retain accommodation at Mumbai so as to enable the Petitioner's child to complete her education from the same institution. As regards the medical issue, it is recorded that the case can be taken up with the Headquarter (WNC) and can be forwarded alongwith the recommendations for further consideration.

3. Learned Counsel for the Petitioner submits that most of the anxiety of the Petitioner would be taken care of by this communication dated 22 June 2016. Learned Counsel for the Petitioner submits that as and when a necessity arises, the Petitioner would accordingly make an appropriate application for retaining of the accommodation for completion of education of the Petitioner's daughter as assured to the Petitioner in the said communication dated 22 June 2016, when the Petitioner required to be away from Mumbai. Mr.Helekar, learned Counsel appearing for the Respondents assures that as and when an application is made by the Petitioner, the same would be appropriately considered

taking into consideration the Petitioner's case as permissible under the Rules. We may also record that as there are certain medical issues pertaining to the Petitioner's daughter, if any medical requirement arises, then it would be permissible for the Petitioner to make a necessary application to the concerned Authorities for availing leave, which shall be considered by the Authorities on its own merit.

4. In view of the above observations, further adjudication of this Writ Petition is not called for. The Petitioner concedes to this position and accordingly, has prayed to withdraw this petition. Keeping all contentions open, the Petition is accordingly disposed of as withdrawn subject to above observations. No costs.

(G.S.KULKARNI, J.)

(ANOOP V. MOHTA, J.)