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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 383 OF 2014

Ravindra D. Wagh ... Petitioner
Vs.
The State of Maharashtra and ors. ... Respondents

Mr. Prashant G. Kayande for the Petitioner.
Mr. C.P. Yadav, AGP for Respondent-State.

CORAM : V. M. KANADE, AND
M. S. SONAK, JJ.
DATE : JUNE 30, 2016

P. C.

- 1] Heard the learned counsel for the parties.
- 2] The challenge in this petition is to the order dated 17 July 2013, by which the Maharashtra Administrative Tribunal (MAT) has dismissed the petitioner's Original Application No. 874 of 2011, in which the petitioner had impugned his transfer order dated 31 May 2011.
- 3] Mr. Prashant Kayande, the learned counsel for the petitioner, has submitted that the transfer order dated 31 May 2011 was illegal and stigmatic. He submitted that this contention of the

petitioner stands established by the circumstance that the petitioner has been exonerated in the departmental proceedings instituted by him. In such circumstances, Mr. Kayande submits that a case is made out to interfere with the impugned order made by the MAT and to set aside the transfer order dated 31 May 2011.

4] We have considered the submissions made by learned counsel for the parties. We have also perused the record as well as the impugned order. In our judgment, this is not a fit case to interfere with the impugned order in the exercise of our jurisdiction under Articles 226 and 227 of the Constitution of India.

5] In the first place, the transfer order dated 31 May 2011, by now, has worked out itself. The learned counsel for the parties agree that the transfers take place generally after every three years. At this point, therefore, there is no question of interfering with the transfer order made on 31 May 2011.

6] The circumstance that the petitioner has been exonerated in departmental proceedings by the order dated 2 December 2015, to a great extent, wipes out the so called stigma. However, such circumstance, is by no means sufficient to interfere with the transfer order dated 31 May 2011, as admittedly, when such transfer order was issued, departmental proceedings were pending against the petitioner.

The MAT has properly appreciated the facts and circumstances and only thereafter declined to interfere with the transfer order. We see no jurisdictional error, in the view taken by the MAT. Accordingly, the petition is dismissed. There shall, however, be no order as to costs.

[M. S. SONAK, J.]

[V. M. KANADE, J.]