

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 9490 OF 2015**

Shri Vitthal Bapurao Jadhav .. Petitioner
versus
The State of Maharashtra & Ors. .. Respondents

Mr. A. A. Desai i/b. Mr. Sandeep D. for Petitioner.
Mr. C. P. Yadav – AGP for Respondent No. 1.
Mr. Y. S. Jahagirdar – Senior Advocate i/b. Mr. M. A. Patil for
Respondent No. 2.

**CORAM: V. M. KANADE AND
M. S. SONAK, JJ.**
DATE : 05 JULY 2016

P.C.:

1] The challenge in this petition is to the order dated 18 September 2015 made by the MAT setting aside the transfer and posting of the petitioner as Sub Divisional Agricultural Officer, Kolhapur.

2] Learned counsel appearing for the petitioner, on basis of instructions from the petitioner submits that the petitioner is going to retire on 16 October 2016 and therefore, he has no objection to the respondent no.2 being posted to the post, which the petitioner presently holds. Learned counsel for the petitioner submitted that since the petitioner is going to retire on 16 October 2016, the petitioner may not be moved to some other post in the last few months of his service tenure. The learned AGP who appears for the State Government also assures this Court that the respondent no. 2 can be posted as Sub

Divisional Agricultural Officer, Kolhapur (executive post), no sooner the petitioner retires on 16 October 2016.

3] In view of the aforesaid, although we do not propose to set aside the impugned order passed by the MAT, we permit the petitioner to work in the post which he presently holds upto the date of his retirement i.e. 16 October 2016. We however direct the State Government to post the respondent no.2 to the same post immediately on the following day i.e. on 17 October 2016. This shall constitute compliance with the impugned order passed by the MAT.

4] This petition is accordingly disposed of in the aforesaid terms.

(M. S. SONAK, J.)

(V. M. KANADE, J.)

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