

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1541 OF 2015.

Shri Deokumar Nepalji Pantaone and ors.

..VS..

The State of Mah. and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.Anand Parchure, Advocate for the petitioners.
Mr.N.R.Rao, AGP for respondent no.1.
Mr.R.Khobragade, Advocate for respondent no.2.
Mr.A.Y.Kapgate, Advocate for respondent no.3.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : APRIL 20, 2016.

Heard.

The petitioners seek transfer from Zilla Parishad, Gondia to Zilla Parishad, Bhandara. As the options exercised by petitioners were not being looked into, present petition came to be filed.

Shri Anand Parchure learned counsel appearing for the petitioners submits that in Writ Petition No.6438 of 2015 there was dispute about submission of option forms and on 15th of April, 2016 this Court has disposed of the matter with certain directions. He contends that similar arrangement can be made in this matter also.

Shri Kapgate appearing for Zilla Parishad Gondia points out that options are allegedly exercised in the year 2000 and petition has been filed for the

first time in the year 2015. As the genuineness of those options is disputed by Zilla Parishad, the same were procured from petitioners and handed over to hand writing expert. Handwriting expert has submitted his report which shows that option forms are interpolated.

According to Advocate Shri Parchure, original option forms were submitted to respondent no.2 - Zilla Parishad, Bhandara. He points out that, that Zilla Parishad has not tendered any reply. Advocate Khobragade submits that option forms if submitted were submitted to Panchayat Samiti which have subsequently gone in jurisdiction of Zilla Parishad Gondia. Hence, reply is to be filed by Zilla Parishad Gondia only.

We need not go into the disputed question. Whether petitioners submitted option forms or not is the issue which falls for adjudication.

In Writ Petition No.6438 of 2015 only question referred to Chief Executive Officer is about correctness of contention that option forms have been submitted. Here the genuineness of option forms submitted is in dispute.

In the light of report of handwriting expert, we cannot call upon Chief Executive Officer either of Zilla Parishad, Bhandara or of Zilla Parishad, Gondia to find out whether the option forms are genuine or not.

We grant petitioners liberty to approach appropriate forum where disputed question can be

gone into, in accordance law.

However, during argument our attention was drawn to orders dated 4th of March, 2016. We find that this Court has issued notice in the matter on 9th of June, 2015 and till date Z.P.Bhandara has not filed reply. Z.P.Gondia appears to have filed reply only after 4th of March, 2016.

We, therefore, direct respective Chief Executive Officers to fix liability for not filing reply expeditiously in the matter and to punish the officer who is found guilty of laxity.

With these directions and liberty we dispose of the petition.

No costs.

JUDGE

JUDGE

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