

IN THE COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPUR**WRIT PETITION NO. 1593/2016**

(Sudhir s/o Shrawan Mohankar vs. The Managing Director, Forest Development Corporation of Maharashtra, Nagpur and others)

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

Court's or Judge's order

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Mr. M.R.Pillai, Advocate for the petitioner
Mr. Barapatre, Advocate for Respondent No.1 to 3
Ms.Neerja Choubey, Advocate for Respondent No.4

CORAM : SMT. VASANTI A.NAIK &
MRS.SWAPNA JOSHI, JJ.

DATED : 22nd June, 2016

Heard.

By this Writ Petition, the petitioner challenges the order dated 27.1.2016, transferring the petitioner from Gondia Office to Nagpur Office. The petitioner has also challenged the order dated 18.2.2016 relieving the petitioner with effect from the date of the transfer order i.e. dated 27.1.2016.

The petitioner was posted at Gondia, when he received both the impugned orders at the same time i.e. the order dated 27.1.2016 transferring him to Nagpur and the order dated 18.2.2016 relieving him from Gondia, with effect from 27.1.2016. The respondent no.4 is transferred from Nagpur to Gondia in pursuance of the transfer of the petitioner from Gondia to Nagpur. The respondent no.4, who was working at Gondia was transferred to Nagpur by an order dated 18.9.2016.

The said order of transfer was challenged by the respondent no.4 in Writ Petition No.6499/2015. Since the respondent no.4 has joined the place of transfer at Nagpur, this Court had disposed of the Writ Petition, with the direction to the respondent-Corporation to consider the representation made by the respondent no.4 for effecting his transfer, as per his request in the general transfers that could be effected in the year 2016. It is the case of the petitioner that, with a view to accommodate the respondent no.4, the respondent-Corporation transferred the petitioner to Nagpur by a back dated order dated 27.1.2016 and served the transfer order and the relieving order to the petitioner, on 18.2.2016. According to the petitioner, after the Writ Petition filed by the respondent no.4 was disposed of on 11th February 2016, the respondent-Corporation has illegally transferred the petitioner by a back-dated order, merely with a view to accommodate the respondent no.4.

Shri Barapatre, the learned counsel for the respondent nos. 1 to 3, is not in a position to support the action on the part of the respondent nos.1 to 3. It is submitted that since this Court had directed the respondent nos.1 to 3 to consider the representation of the respondent no.4, the respondent nos.1 to 3 decided to transfer the respondent no.4 to Gondia and, as a consequence

thereof, the petitioner was required to be transferred to Nagpur. It is fairly stated that in pursuance of the interim order passed by this Court, the petitioner continues to work in the office at Gondia and the respondent nos.1 to 3 are desirous of continuing him at Gondia.

Ms. Neerja Choubey, the learned counsel for the respondent no.4 had nothing much to say in the matter. It was stated that the impugned orders are passed by the Forest Authorities and it would be for them to defend.

In view of the statements made on behalf of the respondent nos.1 to 3, the grievance of the petitioner stands redressed. Since the impugned orders are not to be acted upon, we dispose of the Writ Petition, with no order as to costs.

JUDGE

JUDGE

sahare