

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

WRIT PETITION NO. 47 OF 2016

Mohd. Jameel Mohd. Zama

-vs-

State of Maharashtra, thr.its Secretary, Department of Rural Development and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R.J.Mirza, counsel for the petitioner.

Mr. Nitin Rode, AGP for the respondent Nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : 16.04.2016.

By this writ petition, the petitioner seeks a direction to the Chief Executive Officer of Zilla Parishad Amravati to transfer the petitioner from Mogarda to Tondgaon or in any Panchayat Samiti in Achalpur or Chandur Bazar (non-tribal area), immediately.

According to the petitioner, since the petitioner was wrongly transferred from Tondgaon to Dharni on 05/05/2013, the petitioner had filed Writ Petition No.4302 of 2013, challenging the order of transfer. However, since the petitioner had joined in pursuance of the transfer order, dated 15/05/2013, this Court had, by an order, dated 28/03/2014, disposed of the writ petition without deciding the writ petition on merits. This Court also observed that the Zilla Parishad would be free to consider the request made by the petitioner for his transfer from tribal area to non-tribal area, in accordance with law while effecting the general transfers in the month of May, 2014. It is the case the petitioner that despite this order, the respondent-Zilla Parishad has not decided the representation of the petitioner, till date. It is stated that more than one year has lapsed and the general transfers for the year 2015-16 are also liable to be effected. In this background, the petitioner has sought a direction to the

respondent-Zilla Parishad to transfer the petitioner from Dhrani to Tondgaon or to any other place in Achalpur or Chandur Bazar Panchayat Samiti (non-tribal area).

Though this Court had issued notice to the respondent-Zilla Parishad on 11/01/2016 and the respondent-Zilla Parishad is duly served, none appears on behalf of the respondent-Zilla Parishad.

In the circumstances of the case, we dispose of the writ petition with a direction to the respondent No.3-Zilla Parishad to decide the representation of the petitioner for his transfer from Dharni to any other place in Panchayat Samiti Achalpur or Chandur Bazar within a period of fifteen days from the date of receipt of this order, as the petitioner has attained the age of 54 years.

Order accordingly. No costs.

JUDGE

JUDGE