

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO. 8581 OF 2017

BHUJANG RAMRAO RITHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Wankhede Preeti R.
AGP for Respondents: Mr. D.R. Kale
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 18.07.2017.

P.C. :-

. The petitioner has challenged an interim order of the Maharashtra Administrative Tribunal (M.A.T.) refusing to stay his transfer.

2. By the impugned order, the Tribunal has rejected the application for interim relief. The Tribunal has observed that there is no prima face case nor is the balance of convenience in favour of the petitioner. The Tribunal has found that the only grievance of the petitioner/applicant is that he has not completed his nine years tenure at Aurangabad, in view of the Divisional Cadre Structure and Divisional Cadre Allotment for direct appointment by nomination to the post of Group A and Group B (Gazetted and Non-Gazetted) of the Government of Maharashtra, Rules 2010. The petitioner desired that from 16.12.2013,

the period of nine years in Aurangabad should be completed and by transferring him and removing him purportedly on 29.06.2017 that period is not allowed to run and be completed.

3. We do not think that the Tribunal has in any manner acted contrary to law or its order can be termed as perverse at the interim stage given the nature of the challenge. The Tribunal found that the petitioner has completed nearly four years of his tenure at Aurangabad. There is an administrative exigency and which the Tribunal will examine on merits, when the main matter is heard. Whether that is genuine and bonafide or whether as the petitioner alleges, the transfer is contrary to the cadre allotment rules and, therefore, not in accordance with law and bonafide, is an aspect which must be gone into in great details at the main hearing of the application. Presently, there is no inconvenience because the petitioner has been shifted from Aurangabad to Nashik Division.

4. It is in these circumstances that, we are not inclined to interfere with such an interim order of the Tribunal. The discretion is not exercised arbitrarily or capriciously. The writ petition is devoid of merits and is dismissed. We clarify that the order passed by the Tribunal, as also by this Court contains only tentative and prima facie findings. They

shall not bind, when the main application is heard and disposed of.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]