

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11642 OF 2016

Shri. Balkrishna P. Salunke. ..Petitioner.
vs.
Shri. Rajabhau S. Morale and ors. ..Respondents.

Mr. Sandesh Patil along with Mr. Sachin Pawar for the Petitioner.
Mr. Sanjay Kshirsagar for Respondent No.1.
Mr.C. P. Yadav for Respondent Nos. 2 to 4.

CORAM : R.M. BORDE AND
A.S. GADKARI, JJ.
DATE : 10th January, 2017

PC:

The petitioner is objecting to the order passed by the Maharashtra Administrative Tribunal, Mumbai setting aside the order of transfer issued by the Collector on 14.1.2016 inter changing posting of the petitioner and the contesting respondent. Admittedly, the transfer order issued is a mid-term order and in view of the provisions of Section 4(5) of the Transfer Act recording the reasons, and prior approval of the next higher authority is essential prerequisite which has not been adhered to. The Maharashtra Administrative Tribunal has recorded in the impugned order that there are no special reasons recorded as required under Section 4(5) of the Act and as such mid term order of transfer is unjustified. The Tribunal

also recorded that there was no approval of the Committee or the next higher authority and the order of transfer is effected in excess of the powers exercisable by respondent No.4. No interference is called for in exercise of extraordinary jurisdiction under Article 226 of the Constitution of Indian. Petition is accordingly dismissed.

(A.S.GADKARI, J.)

(R.M. BORDE, J.)