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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13698 OF 2016

The State of Maharashtra & Anr.

Petitioners

Vs.

Mr. Vikas Kesarlal Biyani & Anr.

Respondents.

Mr. P.G. Sawant, AGP for State.

Mrs Swati Manchekar for Respondents.

**CORAM: R.M. BORDE AND
A.S. GADKARI, JJ.**

DATE: 23 JANUARY 2017.

P.C.:

1 The State of Maharashtra is objecting to the Order passed by the Maharashtra Administrative Tribunal dated 7 July 2016, whereby the Original Application presented by the respondent No.1 herein objecting to the order of transfer effected by the State Government of 31.5.2016 transferring the respondent from Thane to Yavatmal and the order dated 31.5.2016 transferring the respondent No.3 before the Tribunal to Thane in his place, are quashed and set aside. It would not be necessary to consider the merits of the contentions and the petition can be disposed of by

granting liberty to the State Government to pass fresh order of transfer in view of changed circumstances.

2 It has been pointed out that the respondent who was the original applicant before the Maharashtra Administrative Tribunal has been put under suspension and enquiry proceedings have been initiated against him. The post which was occupied by the respondent no.1 by virtue of the Order passed by the Maharashtra Administrative Tribunal i.e. post at Thane has become vacant, in view of Order of suspension issued against the respondent No.1. In view of this development, the State Government shall have to be granted liberty to fill in the post at Thane which was occupied by the respondent No.1 by issuing necessary orders of transfer. Order accordingly. Such orders are required to be issued in order to meet the administrative exigency and the Order passed by the Maharashtra Administrative Tribunal impugned in this petition shall not be an impediment for the State Government to issue such orders.

3 With above directions, the writ petition is disposed of.

(A.S. GADKARI,J.)

(R.M. BORDE, J.)