

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 515/2017

(Shri Vinodkumar s/o Shivprasad Shrivastava vs. State of Maharashtra ad others)

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

Court's or Judge's order

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.**

DATED : 24th February, 2017.

1. Heard Adv. Raut for petitioner; learned A.G.P. Tembhre for respondent nos.1 and 2; Adv. Parihar for respondent no.3 and Adv. Pathak for respondent no.5.
2. The transfer order dated 04.01.2017 has been questioned before this Court, urging that it is mid-session transfer. The petitioner has shown his readiness and willingness to join at a transferred place when regular transfers will be given effect to in April/ May 2017.
3. Adv. Parihar appearing for respondent-employer invites attention to order of transfer. He states that petitioner is continuing at same place for about 16-years and there are complaints. The process of counselling was held in April/May 2016 and because three employees including petitioner, opted for mutual transfers, there was some administrative difficulty. The transfer order was kept in abeyance and as there was delay, approval was sought from Divisional Commissioner. The Divisional Commissioner granted that approval and thereafter petitioner has been relieved.

4. We have perused the order dated 04.01.2017. The transfer appears to be after counselling on 10.05.2016. The proposal was kept in abeyance and then Divisional Commissioner has granted sanction/approval to transfer on 30.08.2016. Thus, that transfer order was not given effect to for about four months, before 30.08.2016 and thereafter also for about four months. The order of reliving has been issued on 4.01.2017.

5. In this situation, we find no substance in the contention that transfer is not a mid-session transfer. The fact that transfer was on administrative ground and it was stayed appears in the order dated 04.01.2017 itself. If there are complaints against petitioner, appropriate steps could have been taken against him, but that was not done. On the contrary, if he was selected and sent on transfer because of complaints in May 2016, for about seven months, the respondents have accommodated him at original place.

6. Hence, with direction to respondents to give effect to that relieving order in April/May 2017 when regular transfers shall be effected, we dispose of Writ Petition. No costs.

JUDGE

JUDGE

sahare