

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

Writ Petition NO. 3263/2017

[Bhagwan @ Sanjaysingh s/o Rana Mahendra Singh **V/s** State of Maharashtra and others]

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

Court's or Judge's orders

Shri A. P. Tathod, Advocate for petitioner.
Shri K.S. Joshi, A.G.P. for respondent No. 3
Shri G.G. Mishra Advocate for Caveator/ Respondent No.3.

CORAM : B.P.DHARMADHIKARI & R.B.DEO, JJ
DATED : 19th JUNE, 2017.

The petitioner claims that he was not due for transfer, he has been transferred. We find that the petitioner, since his transfer from Mouda to Nagpur in the year 1999, has been continuously working at Nagpur. Even after his promotion in the year 2004 to the post of Superintendent, he continued to work at Nagpur. We further gather from record that when the petitioner was placed under suspension, his head-quarter was Kuhi Panchayat Samiti and it cannot be viewed as a transfer. Moreover, attachment given to the petitioner during the period of suspension at Kuhi had a very short duration as the suspension was revoked within a span of fifteen days. On revocation of his suspension, petitioner was posted at Education Department, (Secondary), Zilla Parishad, Nagpur as an

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Assistant Administrative Officer. In the year 2016 even though the proposal was sent for transfer of the petitioner to Panchayat Samiti, Saoner, transfer did not take place. Now, by order dated 15.5.2017, the petitioner has been transferred to Panchayat Samiti, Saoner in the same capacity. It is about 40 Kms. away from Nagpur.

It is obvious that petitioner was continuously working at Nagpur for more than sixteen years. Since during the period of suspension which lasted barely for 15 days in the year 2009, petitioner's head-quarter was fixed at Kuhi, it cannot be termed as transfer so as to enable the petitioner to claim that he has been transferred from one Panchayat Samiti to another Panchayat Samiti in less than ten years.

We find no merit in the petition. No case is made out by the petitioner to persuade us to interfere in writ jurisdiction.

Writ Petition deserves to be dismissed and it is accordingly dismissed. No costs.

JUDGE

JUDGE