

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

901 WRIT PETITION NO. 2156 OF 2018

**THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
JAGDISH MOHANRAO KALE**

...

AGP for Petitioners : Mr.P.K.Lakhotiya
Advocate for Respondent : Mr.Avinash S. Deshmukh

...

**CORAM : R.M.BORDE AND
K.K.SONAWANE, JJ.**

DATE: 27th February, 2018

P.C.:-

1) The State Government is objecting to the order passed by the Maharashtra Administrative Tribunal allowing the Original Application tendered by the respondent, bearing No.758 of 2016 decided on 2.8.2017. The respondent, who is functioning as Deputy Executive Engineer (Electrical), Public Works Division, Aurangabad, has been transferred to the post of Deputy Engineer (Electrical) (Personal Assistant), Executive Engineer, Amravati Electrical Division, Amravati. The order dated 28.9.2016 passed by the State Government directing

transfer of the respondent to Amravati was subject matter in Original Application presented by the respondent.

2) After hearing the arguments of the learned counsel appearing for both the parties, we are of the view that this petition can be disposed of in terms of undertaking tendered by the respondent in this Court. It is the contention of the respondent that his two daughters are taking education at Aurangabad and in order to facilitate the daughters to complete the annual examinations and to pursue further process of admission for the next academic year, the respondent has sought his retention at Aurangabad upto June, 2018. The reasonable request made by the respondent deserves to be accepted. The respondent has undertaken to join as Deputy Engineer (Electrical), Public Works (Electrical) Division at Amravati in the first week of June, 2018 on 4.6.2018.

3) In view of the undertaking tendered on record by the respondent (marked as 'X' for identification), it is directed to the petitioners to permit the respondent to continue to hold his present post at Aurangabad upto the first week of June 2018. The respondent shall be relieved from Aurangabad on 4.6.2018 to facilitate him to join at the transferred place. The order passed by the Maharashtra Administrative Tribunal, shall stand modified accordingly.

4) In view of the above, writ petition is disposed of.

(K.K.SONAWANE)
JUDGE

(R.M.BORDE)
JUDGE