

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

930 WRIT PETITION NO. 5983 OF 2018

ARCHANA DEVIDASRAO LATHKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. A.M.Nagarkar

AGP for Respondents : Mr. K.D.Mundhe

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**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JUNE 19, 2018

O R D E R :

The petitioner assails the order of the Maharashtra Administrative Tribunal refusing to stay the transfer order.

2. We have heard the learned counsel for the petitioner and the learned AGP.

3. The learned counsel for the petitioner submits that the petitioner was issued with transfer order in the year 2016. The petitioner was transferred from

Aurangabad to Jalna. Original Application was filed by the petitioner. The Tribunal refused to pass interim order. Against the said order, the petitioner approached this court by filing Writ Petition No. 6049 of 2016. This court on 10.6.2016 granted interim protection.

4. The learned counsel for the petitioner submits that in spite of the fact that status-quo was granted, respondent no. 3 issued fresh transfer order transferring the petitioner from Aurangabad to Nagpur.

5. The learned counsel submits that the said order is illegal. The medical problems faced by the mother of the petitioner have not been considered. The petitioner does not complete the tenure at Jalna. All these aspects have not been considered by the Tribunal and the respondents while transferring the petitioner. The learned AGP submits that the transfer orders are effectuated.

6 The Tribunal has kept the matter on 12.7.2018 and prima-facie observed that there does not appear any illegality in the transfer order.

7. It has been observed that the petitioner is at Aurangabad since 17 years. If the petitioner has made any representation to the Government, it is for the respondent authorities to consider the same and if any representation is made, the respondent authorities shall take decision on the said representation within three weeks.

8. Considering the above, we are not inclined to grant any relief, as the matter is still sub judice before the Tribunal.

9. Writ petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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