

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

**CIVIL APPLICATION NO. 4339 OF 2018**

**IN**

**WRIT PETITION NO. 6742 OF 2016**

Mohammed Akber s/o Mohammed Nazeer

Age 40 years, Occu: Service,

R/o At ZPPs Naviabadi, Tq. Mahur,

Dist. Nanded.

**VERSUS**

1. The Sate of Maharashtra  
Through its Secretary,  
Rural Development Department,  
Mantralaya, Mumbai -32.
2. The Chief Executive Officer  
Zilla Parishad, Nanded.

Mr. Sandeep B. Sontakke, Advocate for the applicant

Mr. M. M. Nerlikar, APP for the respondents State.

**CORAM : T. V. NALAWADE &  
SANGITRAO S. PATIL, JJ.**

**DATE : 4th July, 2018**

**ORDER:**

1. Application is filed for modifying or recalling the decision given against the present applicant in Writ petition No. 6742/2016 dated 27.07.2017.
2. Both sides are heard.

3. This court had dismissed the writ petition and further directed the present applicant to pay cost of Rs.15,000/- as the applicant had avoided to join at new postings after the transfer order. Learned counsel for the applicant submits that the order of transfer was served on 03.06.2016, but the applicant proceeded on leave from 10.06.2016 and he was on leave till 27.09.2016 and due to that he could not join the new posting. No other reason is given.

4. Learned APP has submitted that this contention was not made in the petition. This Court has imposed cost by holding that the applicant was bound to join at new posting. The fact remains that he was transferred and transfer order was served on 03.06.2016. In view of this circumstance, it was necessary for the applicant to first join at the place of the new posting and then he could have applied for leave. There is no case for recall of the order. Application is rejected.

**(SANGITRAO S. PATIL, J.)**

**(T. V. NALAWADE, J.)**

JPC