

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

CIVIL APPLICATION NO. 4303 OF 2018

IN

WRIT PETITION NO. 8133 OF 2016

Khan Gausiyabegum d/o Rahim Khan,
Age 54 years, Occu: Service,
R/o At ZPPs Kolamkhed, 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. R. V. Dasalkar, 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. 8133/2016 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 05.06.2016 and she was on leave till 28.09.2016 and due to that she could not join the new posting. No other reason is given.

4. Learned counsel for respondent 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. Learned APP submitted that the interim relief was vacated on 27th September, 2016 and the applicant joined on 28th September, 2016. In any case, only because the interim relief was vacated, the applicant joined the new posting. The fact remains that she 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 she 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