

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

W.P. NO. 6667 OF 2018

Mr. Upendra Vilasrao Dhonde .. Petitioner

Vs.

Union of India through Secretary,
Ministry of Water Resources RD & GR
Shram Shakti Bhavan, New Delhi
and Ors. .. Respondents

....

Mr. Shriram S. Gadre Advocate for Petitioner
Mr. A.A. Garge Adv. along with Mr. Suresh Kumar Adv. for
Respondent No.1

....

**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.
AND M.S.SONAK, J.**

DATED : JUNE 25, 2018

ORAL ORDER [PER SMT. V.K.TAHILRAMANI ACJ.]:

1 Heard the learned counsel for the petitioner and the
learned counsel for respondent no.1 - Union of India.

2 The petitioner has challenged his transfer order
before the Tribunal by preferring Original Application No. 410
of 2018. The petitioner was transferred from Pune to

Hyderabad. In the Original Application, the petitioner had also challenged the order dated 5.6.2018 whereby the representation of the petitioner against his transfer from Pune to Hyderabad came to be rejected, however, the Tribunal in paragraph 6 of the impugned order dated 12.6.2018 has observed that the respondent no.2 is directed to consider and pass a reasoned and speaking order on the **pending** representation dated 7.5.2018 submitted by the petitioner for cancellation of the impugned order within a period of four weeks. However, the record clearly shows that his representation dated 7.5.2018 was infact, rejected by order dated 5.6.2018. The petitioner's name is at serial no. 42 of the list in the said order. Therefore, there was no question of any pending representation as the said representation was already disposed of by order dated 5.6.2018. In fact, the petitioner had also challenged the order dated 5.6.2018 in the above mentioned Original Application. However, it appears to have escaped notice of the Tribunal that the representation dated 7.5.2018 was infact, disposed of and there was no pending representation before the authorities when the Original Application came to be decided. Some other prayers also were

made in the Original Application, however, these prayers have not been considered by the Tribunal in Original Application No. 410 of 2018.

3 In view of the above facts, the order dated 12.6.2018 is set aside and the matter is remanded back to the Tribunal to consider the Original Application afresh. It is requested that the said Original Application be decided as expeditiously as possible by the Tribunal. Writ petition is disposed of in above terms.

M.S.SONAK, J.

ACTING CHIEF JUSTICE