

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2902/2018.

Guddi Krishnakumar Ujawane

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND Z.A. HAQ, JJ.

DATE : JULY 02, 2018.

Heard Shri R.S. Khobragade, learned
Counsel for the petitioner, Shri N.R. Patil, learned
A.G.P. for respondent no.1, Shri R. Tajne, learned
Counsel for respondent no.3 and Shri J.R. Kidlay,
learned Counsel for respondent no.4.

2. Petitioner appointed on contract basis for
11 months as District Mission Manager, has been
transferred from Yavatmal to Dhule by order dated
05.05.2018. This Court has on 15.05.2018, stayed
that order.

3. Submission of learned counsel for

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petitioner is, transfer is malafide and on account of action initiated by the petitioner against respondent no.4. It is claimed that there were several complaints against respondent no.4, and hence, petitioner issued a show cause notice to him.

4. Learned counsel appearing for respective respondents oppose the contention. They invite attention to the history to show that even in past, performance of petitioner was not upto the mark and therefore, she was served with notices.

5. Learned A.G.P. has invited our attention to Clause No.34 of the Terms and Conditions of Service of petitioner. He points out that as per Clause 19 therein, petitioner can be transferred and any dispute needs to be referred to and decided by the Principal Secretary, Rural Development and Panchayati Raj.

6. Petitioner has alleged malafides and attempted to connect her transfer with show cause notice served by her on respondent no.4. Respondent nos. 1 and 2 in their reply affidavit have denied knowledge of that show cause notice. Facts show that because of transfer of petitioner out of Yavatmal, respondent no.4 is being made incharge as District

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Mission Manager.

7. In this situation, we are not inclined to observe anything more on the merits of the controversy.

8. We continue the interim orders already operating in the matter for a period of 6 weeks, and direct Principal Secretary, Rural Development Department (respondent no.3), to take appropriate decision on the grievance made by the petitioner within a period of four weeks from today.

9. With these directions and keeping all rival contentions open, we dispose of the present Writ Petition. No costs.

JUDGE

JUDGE

Rgd.