

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

WRIT PETITION NO. 648 OF 2018

(G.K. Gopinathan s/o P.G. Kabali vs. Union of India thr. its Secretary, Ministry of Coal & Ors.)

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 &
ARUN D. UPADHYE, JJ.
APRIL 10, 2018.**

Heard Shri G.C. Khond, learned counsel for the petitioner and Shri S.A. Chaudhari, learned counsel for respondent No. 1.

2. The petitioner, working in Chennai office of Coal India, was transferred on 25.02.2009 to Nagpur. He immediately approached the Hon'ble High Court at Madras and procured some interim orders. Those interim orders continued to operate till 22.04.2010, when the petitioner on his own reported at Nagpur and from the statement made by the petitioner, it appears that because of this joining at Nagpur, the petition at Madras High Court was disposed of.

3. Shri Chaudhari, learned counsel submits that this Court has still not issued any notice and he does not have any instructions on facts. However, if period from 25.02.2009 till 22.04.2010 is to be regularized, the petitioner ought to have obtained necessary orders from Madras High Court. He submits that the transfer order was

not set aside and no error is found in the process of transfer.

4. As the matter was looked into by the Hon'ble High Court at Madras and some interim orders were operating, we find that before the petitioner joined at Nagpur or withdrawn petition from Madras High Court, he should have obtained necessary clarifications. The petitioner has not done so. He has superannuated on 31.08.2016 and thereafter present writ petition has been filed on 24.07.2017 for regularization of the period from 25.02.2009 till 22.04.2010.

5. We find the challenge belated. In any case the petitioner has to approach the Hon'ble Madras High Court and obtain necessary orders there.

6. Without observing anything on merits of the controversy and accepting the objection raised by Shri Chaudhari, learned counsel for respondent No. 1, we dispose of the present writ petition. No order as to costs.

JUDGE

JUDGE

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