

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

WRIT PETITION NO. 442 OF 2019

Vasant Subhash Bendre .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. S. Thombre, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 14TH JANUARY, 2019.

FINAL ORDER :

. Mr. Thombre, the learned advocate for the petitioner submits that, though the petitioner has been relieved pursuant to orders of transfer, no posting has been given on the post on which the petitioner was working prior to he being relieved. The learned counsel further submits that, the petitioner is due to retire on attaining age of superannuation on 31st July, 2019. In view of the rules, if a person is due for retirement within one year, he cannot be transferred.

2. We have also heard the learned Additional Government Pleader for respondent Nos. 1 and 2.

3. The Tribunal has kept the matter for final disposal and the date is made returnable on 05.02.2019. The petitioner is already

relieved from his post pursuant to the order of transfer. In view of that any order passed would tantamount to status quo ante.

4. The Tribunal certainly would dispose of the matter as has been observed in the impugned order finally. If during the interregnum respondents posts any other person on the post held by the petitioner prior to his transfer, then the same will always be subject to the decision of original application. The State is a party to the original application and will be bound by the orders passed. The respondents shall also keep in view this aspect of the matter and shall apprise this aspect if the respondents want to post any other person on the place of the petitioner which was held by him prior to his transfer order.

5. It is further submitted that, the petitioner has already made representation to respondents for cancellation of transfer on the ground that he is due for retirement on 31st July, 2019, so also on medical grounds. The respondents may consider the representation filed by the petitioner on its own merits, irrespective of pendency of original application.

6. With these observations writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]