

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

16 WRIT PETITION NO.5705 OF 2018

DR RAVINDRA BHAURAO RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Talhar Ajay G.
AGP for Respondents State: Mr. S. G. Karlekar
Advocate for Respondent No.4 :Mr. Manoj Shinde h/for Mr. Goyanka M. K.

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

DATE : 29th January, 2019

PER COURT :

1. Mr. Talhar, learned Advocate for the petitioner submits that Criminal Case was registered against the petitioner in April, 2016. The petitioner was acquitted in the criminal case on 9th November, 1996. Without application of mind, the respondents suspended the petitioner on 2nd February, 2017. However, while revoking suspension, the petitioner is transferred from Jamner, Dist. Jalgaon to Kankawali District Raigad. The learned counsel submits that even monetary benefits are not paid. The petitioner could not be transferred. No departmental enquiry is pending against the petitioner.

2. Learned counsel for respondent No.4 submits that as on today, there

is no proposal for conducting any departmental enquiry against the petitioner. The petitioner would now complete the tenure of three years at Jamner. In view of that, we are not inclined to consider the case of the petitioner with regard to the transfer.

3. Contention of the petitioner is that his transfer is at a distance of 600 kilometers and he has domestic problems. The petitioner may make representation for posting him at some other place. The respondents shall consider the representation of the petitioner during the period of general transfer of 2019.

4. The respondents, it seems, have not taken any decision with regard to suspension period. The respondent authority shall take decision with regard to the suspension period within a period of three months from today. Depending upon the decision taken by the respondents about the manner of treating suspension period, the petitioner can claim monetary benefits.

5. With these observations, the writ petition stands disposed of. No costs.

(A. M. DHAVAL, J.)

(S. V. GANGAPURWALA, J.)

JPC