

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

WRIT PETITION NO. 6922 OF 2019

Sanjay S/o. Appasaheb Dhamne & Ors. Petitioners

Versus

State of Maharashtra & Ors. Respondents

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Shri. R. F. Totala, Advocate for the petitioners

Shri. S. P. Tiwari, AGP for respondent/State

Shri. P. P. Kothari, Advocate for respondents No. 5 & 6

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**CORAM : S. V. GANGAPURWALA
AND
AVINASH G. GHAROTE, JJ.**

DATE : 05th NOVEMBER, 2019

PER COURT : -

1. We have heard Shri. Totala, the learned counsel for the petitioner. The learned advocate submits that, the modified transfer policy under circular dated 28.05.2019 is unreasonable and is against the original transfer policy dtd.27.02.2017 upheld by this Court. Only Zilla Parishad employees have been carved out for transfer on the ground of couple convenience.

2. The distance criteria is also not mentioned in the modified transfer policy which was restricted to 30 kms.

3. We have heard the learned AGP also.

4. We do not find that the circular dated 28.05.2019 modifies the transfer policy dated 27.02.2017. Clause no. 2 of the said circular dated 28.05.2019 only gives the procedure as to who should apply if both husband and wife are the employees of the same Zilla Parishad. The procedure is rational because if both the parties apply that would create a chaotic situation. The circular dated 28.05.2019 does not take away the stipulation and the conditions of the GR dtd. 27.02.2017. The substantial clause of the transfer policy as enshrined in the Govt. Resolution dt. 27.02.2017 is intact. There would be no irrationality in providing the procedure to make an application for transfer if both the spouses are the employees of the same Zilla Parishad. The modified policy under challenge nowhere dis-entitles a person who is serving in a Zilla Parishad and his or her spouse in the employment of the State Government or otherwise to make application for transfer on the ground of couple convenience.

5. The another grievance of the petitioner is that, the petitioner has filed representation to the Chief Executive Officer (CEO) making grievance about the transfer and that they are placed

at a distance of 100 km from their spouse. As per the circular dtd. 28.05.2019, it is for the CEO to consider the said grievance. The CEO shall consider the grievance raised by the petitioner on its own merits, preferably within 15 days. If the petitioners are aggrieved by the decision taken by the CEO, then the petitioners have remedy before the Commissioner as per the Circular dt. 28.05.2019.

6. With the above observations, the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE