

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

946 WRIT PETITION NO.8159 OF 2019

**VIDHYA MAROTRAO CHANDAPURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioners : Thombre Bhagwan V.
AGP for Respondents: Mrs.M.A.Deshpande
Adv.S.B.Pulkundwar for R.3 & 4**

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 04/07/2019

PER COURT :

Mr. Thombre the learned advocate submits that the petitioner had filed an appeal against the order of the Chief Executive Officer imposing penalty of stoppage of one increment.

2] Mr. Thombre, the learned advocate for petitioner submits that, in June 2018, the petitioner was transferred. The petitioner has never submitted any wrong information, however, the Chief Executive Officer, Zilla Parishad, Nanded on the basis of some complaint came to the conclusion that false information was provided. The Chief Executive Officer thereafter passed orders stopping one annual increment permanently. The petitioner filed appeal before the Commissioner as provided under the Government Resolution dated 27.02.2017. Said appeal is allowed by the Commissioner and the order of the C. E. O. is set aside. The respondent No. 4 is not abiding by the said order and the C. E. O. has placed the petitioner in the counselling list of the candidates to be transferred. The same is

illegal.

3] Mr. Punlkundwar, the learned advocate for respondents No. 3 and 4/Zilla Parishad submits that, on the basis of false information transfers were solicited of the petitioner. The C. E. O. has considered the said aspect. The Commissioner has only set aside the punishment imposed of stoppage of one increment, but has not directed that the petitioner should not be considered for transfer for this year. The learned counsel on instructions further submits that, the C. E. O. is contemplating filing of review of the order of the Commissioner.

4] Today the Commissioner has set aside the order of the C. E. O. holding that the petitioner has submitted wrong information and imposing punishment of stoppage of one increment permanently. As the order of the C. E. O. is set aside, the necessary consequence would be that the petitioner had sought transfer legitimately. As the petitioner is transferred last year and the Commissioner has set aside the order of the C. E. O. there would be locking period of three years.

5] It is only if the order of the Commissioner is set aside, then only the C. E. O. has a right to deal with the transfer of the petitioner for this year. In view of the above, the impugned order passed by the C. E. O. stands set aside.

6] In the light of the above, the Writ Petitions is disposed of. No costs.

7] Parties to act on authenticate copy.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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