

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

954 WRIT PETITION NO.8414 OF 2019

NILKANTH BALAJI BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. B.V.Thombre, Advocate for Petitioner.
Mr. S.N.Morampalle, AGP for Respondents-State.
Mr. S.B.Pulkundwar, Advocate for Respondent Nos.3 & 4.
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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 10th July, 2019

PER COURT :-

1. Mr. Deshmukh, 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 C. E. O. thereafter passed orders stopping one annual increment permanently. The petitioner filed appeals before the Commissioner as provided under the Government Resolution dated 27.02.2017. Said appeals are allowed by the Commissioner and the orders of the C.E.O. are set aside. The respondent No. 2 is

not abiding by the said orders and the C. E. O. has placed the petitioner in the counselling list of the candidates to be transferred. The same is illegal.

2. Mr. Punlkundwar, the learned advocate for respondent Nos. 3 and 4/Zilla Parishad submits that, on the basis of false information transfer was 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 transfers for this year. The learned counsel on instructions further submits that, the C.E.O. is contemplating filing of review of the orders of the Commissioner. The name of the petitioner is not included in counselling.

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

three years.

4. It is only if the orders of the Commissioner are 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 orders passed by the C.E.O. stand set aside.

5. In the light of the above, the writ petition is disposed of. No costs.

6. Parties to act on authenticate copy.

(MANGESH S. PATIL, J.) (S.V. GANGAPURWALA, J.)

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vmk/-