

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
4 WRIT PETITION NO. 8375 OF 2019**

VINYAK MAHALINGAPPA BAHARATE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Mahesh S. Deshmukh h/f Mr. U. L. Momale,
Advocate for the Petitioner.

Mr. V. M. Kagne, AGP for Respondents-State.

Mr. S. B. Pulkundwar, Advocate for Respondent No.3.

WITH

5 WRIT PETITION NO. 8376 OF 2019

USHA SAKHARAM VARAD ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Mahesh S. Deshmukh h/f Mr. U. L. Momale,
Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

Mr. S. B. Pulkundwar, Advocate for Respondent No.3.

WITH

6 WRIT PETITION NO. 8377 OF 2019

ANITA GANGADHAR RANBHIRKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Mahesh S. Deshmukh h/f Mr. U. L. Momale,
Advocate for the Petitioner.

Mr. S. N. Morampalle, AGP for Respondents-State.

Mr. S. B. Pulkundwar, Advocate for Respondent No.3.

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

DATED : 9th JULY, 2019.

PER COURT:-

1. Mr. Deshmukh, the learned advocate for petitioners submits that, in June 2018, the petitioners were transferred. The petitioners have never submitted any wrong information, however, the Chief Executive Officer, Zilla Parishad, Nanded on the basis of some complaint he came to the conclusion that false information was provided. The C. E. O. thereafter passed orders stopping one annual increment permanently. The petitioners 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 petitioners in the counselling list of the candidates to be transferred. The same is illegal.

2. Mr. Punlkundwar, the learned advocate for respondent Nos. 2 and 3/Zilla Parishad submits that, on the basis of false information transfers were solicited of the petitioners. 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 petitioners 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 learned A.G.P. states that the names of petitioners are not kept in counselling.

3. Today the Commissioner has set aside the orders of the C. E. O. holding that the petitioners have 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 petitioners had sought transfers legitimately. As the petitioners are 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 transfers of the petitioners 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 petitions are disposed of. No costs.

6. Parties to act on authenticate copy.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE