

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

2 WRIT PETITION NO. 8603 OF 2019

SUREKHA PANDURANG KAMLU ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

3 WRIT PETITION NO. 8604 OF 2019

SHRI MOHMAD AYUB ABDUL GANI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. M. S. Deshmukh h/f Mr. U. L. Momale, Advocate
for the Petitioners.

Mr. S. B. Yawalkar, AGP for Respondent-State.

Mr. S. B. Pulkundwar, Advocate for Respondent Nos.2
and 3.

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

DATED : 16th JULY, 2019.

PER COURT:-

1. Mr. Deshmukh, learned counsel for the 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. 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. Pulkundwar, learned counsel for respondents no. 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 counsel further submits that the name of the petitioners are not taken in the counseling list, as such, are not under consideration for transfer.

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