

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO.11390 OF 2019
WITH CA/13802/2019 IN WP/11390/2019

THE UNION OF INDIA THROUGH ADDITIONAL DEPUTY GENERAL AND
OTHERS
VERSUS
RAJESH VASANTRAO WAGH

...
Advocate for Petitioners : Mr. Nagode D. G.
Advocate for Respondent : Mr. Jagtap V. B.

...
[**CORAM : SUNIL P. DESHMUKH AND
SMT. VIBHA KANKANWADI, JJ.**]

DATE : 27th NOVEMBER, 2019.

PER COURT :

1. Heard learned counsel for the parties.
2. It is the case of respondent, whose transfer on compassionate ground to Nashik, had been considered by the office of Additional Deputy General Manpower, New Delhi, and an order came to be passed on 13-02-2017. However said order has not been implemented and respondent has not been relieved from Ahmednagar. In the circumstance, the respondent had approached the Central Administrative Tribunal in Original Application No.610 of 2017. After hearing the parties, the Tribunal had granted the application observing that, competent authority had passed transfer order on 13-02-2017 with a direction to concerned authority to relieve persons transferred,

and despite the same, respondent for two years had not been relieved and petitioner No.1 had been directed to pass final order giving suitable direction to petitioner No.2 with regard to the reliefs claimed by the respondent.

3. Petitioners are before this Court purporting to be aggrieved by the aforesaid direction. Learned counsel for the petitioner purports to refer to the cause for which the transfer had been sought is no longer in subsistence and there is deficiency of clerk at Ahmednagar. Learned counsel for respondent claims that, the cause of transfer had been family needs, those are not obliterated by claimed events. He refers to that respondent cannot be blamed for not relieving him, hitherto. He was required to be confined as no relieving order was issued at Ahmednagar immediately. Looking at the nature of order passed and the circumstances, we are not inclined to interfere with the order passed by the Tribunal. The writ petition, therefore, is rejected. Consequently civil application also stands rejected and disposed of. Needless to refer that the interim relief ceases to operate.

[SMT. VIBHA KANKANWADI]
JUDGE

[SUNIL P.DESHMUKH]
JUDGE

vjg/-.