

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.4331 OF 2019
WITH
CONTEMPT PETITION (ST) NO.12464 OF 2019**

Vishwavijay Tukaram Gore

..Petitioner

V/s.

Union of India

Through Secretary,

Ministry of Communication & its

Dept. of Post & Anr.

.. Respondents

Mr.Rushikesh Kale I/b Mr.A.S. Rao for the Petitioner.

Mr.Neel Helekar a/w Mr.M.M. Chunawala for Respondent Nos.1 to 4.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 11th JULY 2019

P.C.

1. In the present petition the petitioner had assailed the order passed by the Central Administrative Tribunal, Mumbai in OA No.431 of 2016 dated 14.02.2019. The applicant working as Postal Assistant under Pandharpur Division came to be transferred by order dated 19.05.2016 to Sironcha under Chandrapur Division. He approached the Tribunal by filing the Original Application and the Tribunal passed an interim order on 09.06.2016 staying the effect

and operation of the said transfer order. The Original Application came to be disposed of by the Tribunal by order dated 14.02.2019 and the Tribunal directed the respondents to consider the pending representation of the applicant against the impugned transfer order. It also vacated the interim order granted on 09.06.2016.

2. Being aggrieved by the said order, the petitioner has preferred the present Writ Petition. It is to be noted that on 06.06.2019 this Court continued the interim relief granted by the Tribunal during the pendency of the petition.

3. We have heard the learned counsel for the petitioner as well as the learned counsel for the respondent. During the pendency of the petition, Contempt Petition Stamp No.12464 of 2019 was taken out by the petitioner for the alleged disobedience of the order passed by this Court continuing the interim relief granted by the Central Administrative Tribunal. A categorical statement is made by the learned counsel Shri.Helekar that the order has been complied and in such circumstances the Contempt Petition do not survive and accordingly the Contempt Petition is disposed of.

4. As far as the Writ Petition is concerned we have

observed that the petitioner was transferred by an order dated 19.05.2016 from Pandharpur Division to Sironcha in Chandrapur Division. The Tribunal after considering the gamut of the order was pleased to issue direction to the respondent to consider the petitioner's representation and though the petitioner to continue the interim order on 19.06.2016, the interim order came to be vacated.

5. Today we are in the month of July 2019 and the petitioner has not joined his transferred place of the posting. In any contingency till 2019, he continues to remain on the post of Postal Assistant at Pandharpur and during this period, he has become due for transfer and in such circumstances, in light of the directions issued by the Tribunal to decide the petitioners' representation, we dispose of the present writ petition with a direction to respondent to comply with the said direction before the time line when the General Transfer Policy is implemented i.e. before 31st March 2020.

6. With the aforesaid directions the Writ Petition is disposed of.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)