

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1445 OF 2017
IN
WRIT PETITION NO.13754 OF 2016

The State of Maharashtra through
Principal Secretary, Water Supply and
Sanitation Department, Mantralaya,
Mumbai ... Applicant

In the matter between :

Pandurang Bapu Patil ... Petitioner
Versus

The Chief Administrative Officer
Maharashtra Jeevan Pradhikaran and Ors. ... Respondents

Ms.Sushma Bhende, AGP for
State/Applicant.

Ms.Rati S. Sinhasane i/b U.R.Mankapure
for the Respondent (Petitioner in Writ
Petition).

Mr.A.R.Pitale for Respondent No.4.

CORAM :- S. C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.

DATE :- JULY 26, 2019

P.C. :-

1. Having heard Ms.Bhende, appearing on behalf of the applicant, and noticing that the order passed by this Court on the writ petition is not sought to be reviewed, but the prayer is to expunge some observations therein, we do not think that the civil application can be entertained.

2. We cannot entertain it also by treating the same as an application seeking to invoke the inherent powers of this Court for expunging the alleged adverse observations and remarks.

3. We have not made any observations out of context, but para 11 of our order must be read with the previous and subsequent paras. The order should be read as a whole and paras 4 and 5 of the instant civil application read as under :-

“4. The Applicant states that Maharashtra Jeevan Pradhikaran is a statutory body and have Maharashtra Jeevan Pradhikaran Employees Transfer Regulation, 2013. The said Regulations were published in Government Gazette on 4.6.2014 and came into force from the said date i.e. 4.6.2014. As per clause 6 from the said Regulations, the competent authority for transfer of all Group ‘A’ cadre officers is Minister, Water Supply and Sanitation Department, State Government. The said Minister is also Chairman of Maharashtra Jeevan Pradhikaran. As per clause 4(2) from the said Regulations, for transfer of any employee of Maharashtra Jeevan Pradhikaran before due date i.e. 3 years, the competent authority is Chairman Maharashtra Jeevan Pradhikaran and decision taken by him in that regard is final. Hereto annexed and marked as Exhibit 2 is copy of the extract of clause 6 of the Maharashtra Jeevan Pradhikaran Employees Transfer Regulation, 2013.

5. The Applicant states that pursuant to said clause ‘6’ from the said Regulations, the Minister Water Supply and Sanitation Department, State Government who is also Chairman of Maharashtra Jeevan Pradhikaran had decided to transfer the original Petitioner who is Deputy Engineer (Civil) and falling in Group ‘A’ cadre from the establishment of Maharashtra Jeevan Pradhikaran at Tasgaon to Deogad.”

4. The State Government may be the competent authority as is now claimed, but when the day-to-day functioning of a statutory

Corporation concerned was affected by the command from the Minister which stays or directs a transfer of an employee, then, that is rightly termed as an interference. We do not see any reason to recall the observations. The application is disposed of accordingly. No costs.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)