

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11990 OF 2018

Rajesh Baliram OholPetitioner

Versus

Union of India through the Secretary & ors. ...Respondents

Mr. Vicky A. Nagrani, for the Petitioner.

Mr. Ashok D. Shetty, a/w Ms. Geetika Gandhi, for
Respondent no.1/UOI.

CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ

DATED: 5th February, 2019

PC:-

1. The Petitioner has challenged his transfer from Pune to Ambazari, Nagpur.
2. The Petitioner has completed more than six years of service on the present posting. Perusal of the order passed by the Division Bench dated 19th October, 2018 would reveal that though the Petitioner was asked to give options prior to a particular date, he has not given choice within the stipulated period.
3. Transfer is an incident of service. It is not the challenge of the Petitioner that the transfer has been activated by malafide intention.

4. The scope of interference in judicial review against the order passed by the sub-ordinate Tribunal is very limited. Since, we do not find any perversity in the impugned order, no interference is warranted in the impugned order, on the merits of the matter.

5. However, insofar as the direction by the learned Tribunal to bear the legal costs of the Respondents is concerned, we find that this was not the case to direct the Petitioner to bear the costs. As such, the order directing the Petitioner to bear legal costs is quashed and set aside. The amount, if recovered, shall be credited to the account of the Petitioner. However, we are not inclined to interfere with the costs of Rs.5,000/- directed to be paid to the CAT Bar Association.

6. The petition stands disposed of in above terms.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]