

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

**PUBLIC INTEREST LITIGATION NO. 30 OF 2020
WITH
CIVIL APPLICATION NO. 4445 OF 2020
AND
CIVIL APPLICATION STAMP NO.12128 OF 2020**

Sandip Mohan Waisal ... Petitioner
Versus
The State of Maharashtra and others ... Respondents

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Dr. R. J. Godbole, Advocate for the petitioner
Mr. D. R. Kale, Government Pleader for the State
Joslyn Menezes, Advocate for applicant in C.A.No.4445/2020
Mr. V. D. Salunke, Advocate for applicant in CA St.No.12128/2020

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**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATED : 20th JULY, 2020

PER COURT :-

. Mr. Godbole, learned counsel for the petitioner submits that the impugned Government Resolution dated 07.07.2020, is illegal. The said Government Resolution if allowed to be implemented, would result in large scale loss to the public exchequer. It would also create problems to the citizens. The citizens would be deprived of the services. Presently, only 15% staff is functioning and if the 15%

staff is transferred, it would result in chaotic situation. The legitimate expectations of the common citizens would not be met. The State of Maharashtra is battling with Covid-19 pandemic. More than three lakh cases of Covid-19 patients at present are detected in the State of Maharashtra. The learned counsel further submits that the transfers are to be effected upto 31.07.2020. Many persons who would be in the line of transfer would suffer irreparable loss. Their children have taken admission in the schools and have paid the fees and they also would suffer loss. The various stages are involved in the process of servants' transfer to the new place. Because of that social distancing may not be adhered to and it may lead the spread of virus. The lockdowns are extended from time to time. Even upto 31.07.2020, in the State of Maharashtra the lockdown is extended. The petitioner is a social worker and as such, has taken the cause. Under the Government Resolution issued on 04.05.2020, the transfers were prohibited. No reasons are mentioned in the impugned Government Resolution permitting the transfers.

2. We have heard the learned Government Pleader.

3. The petitioner claims to be a social worker and is not employed with any State Government or local authority. Transfer is

the incidence of service. In the service matters the Court would be loath to entertain Public Interest Litigation, more particularly, in the matters of present nature. An employee affected by the impugned Government Resolution has every right to approach the Court to redress his grievance. The petitioner cannot claim a right much less vested right, to assail the Government Resolution permitting 15% employees to be transferred. It is for the authorities to consider the viability and feasibility of the transfers. If any employee is prejudicially affected pursuant to the Government Resolution dated 07.07.2020, then that employee certainly has right to approach the Court.

4. The other grievance of the petitioner is that because of the transfers, the citizens would not get proper service.

5. If the petitioner is deprived of the legitimate services or is not in a position to get the documents or his proposals are unattended, then the petitioner may make grievance with regard to his work or his claim not being attended by the authorities, de-hors the same, the petition cannot be entertained.

6. The policy decision has been taken by the State Government

and an affected person may have right to assail the said Government Resolution, but not the present petitioner. The petitioner is unconcerned with the transfer of the employees.

7. In light of the above, we are not inclined to entertain the present PIL at the behest of the present petitioner and the same stands dismissed on the ground of *locus-standi*.

8. In view of the dismissal of the PIL, the civil applications also stand disposed of.

9. Mr. Godbole, learned counsel for the petitioner submits that under the orders of this Court the petitioner has deposited a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) in this Court. The petitioner has filed the petition for the benefit of the people at large. The learned counsel for the petitioner seeks withdrawal of the amount.

10. Mr. Godbole, learned counsel, on instructions of the petitioner, graciously submits that out of the amount of Rs.1,50,000/-, an amount of Rs.50,000/- be donated to the Government Medical College and Hospital (Covid-19 Centre) at Aurangabad.

11. In light of above, the petitioner is allowed to withdraw Rs.1,00,000/- (Rupees One Lakh). The remaining amount of Rs.50,000/- (Rupees Fifty Thousand) be paid to the Government Medical College and Hospital (Covid-19 Centre) at Aurangabad.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

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