IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION (STAMP) NO.13677 OF 2020

EKNATH HARI KOTGIRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.V.D.Sapkal, Senior Advocate I/by Mr.P.P.Uttarwar, Advocate for the petitioner.
Mr.S.G.Sangle, AGP for State.
Mr.Ajay Deshpande, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE AND SHRIKANT D. KULKARNI, JJ.)

DATE : 24/08/2020

PER COURT :

1. The petitioner has put forth prayer clause "B" and "C" as under :-

"B. by way of writ of certiorari or any other appropriate writ, order or direction of like nature the order dated 20/08/2020 passed by the Ld. Maharashtra Administrative Tribunal in Original Application No.296 of 2020, be quashed and set aside.

C. By way of appropriate writ, order or direction of like nature, or by modifying the order dated 20/08/2020. Pending the hearing and final disposal of the Original Application No.296/2020 orders dtd. 10/08/2020 issued by the respondent No.1 transferring the petitioner from the post of Assistant Director Local Fund Audit, Aurangabad to post of Auditor, Nagar Parishad, Beed and order dated 17/08/2020 issued by the respondent No.1 transferring respondent No.4 on the post of

petitioner i.e. Assistant Director Local Fund Audit, Aurangabad, be stayed."

2. We have heard the learned Senior Advocate for the petitioner, the learned AGP on behalf of respondent Nos. 1 to 3 and the learned Advocate on behalf of respondent No.4. We have perused the list of eligible candidates for transfer in which the names of the petitioner and respondent No.4 do not figure. We are also informed that the petitioner has been dislodged in order to accommodate respondent No.4 in his place, for 'domestic reasons' though respondent No.4 is moved from one office to another office in Aurangabad itself.

3. The learned AGP points out that the impugned order is an interlocutory order passed by the learned Maharashtra Administrative Tribunal on 20/08/2020 in Original Application No.296/2020 and the matter is posted on 24/09/2020.

4. The learned Senior Advocate contends that though the petitioner has been shown to have been relieved from Aurangabad and respondent No.4 has moved into his position, the petitioner is still on leave.

5. Since we find that the learned Tribunal would be considering the pending proceedings finally, that we are not inclined to cause an interference in this matter at this stage.

6. In view of the above, this petition is disposed off with a direction to the litigating parties to address the learned Tribunal on 24/09/2020, either online or by physical court hearing, as may be the case and are also at liberty to enter their written notes of submissions. The learned Tribunal would permit the parties to address it on 24/09/2020 and conclude the hearing by 25/09/2020. We expect the learned Tribunal to deliver it's judgment on the pending proceedings as expeditiously as possible, and preferably on or before 15/10/2020.

7. We make it clear that no coercive action or disciplinary proceedings shall be initiated against the petitioner until 15/10/2020 on account of his not joining at the place of transfer.

(**SHRIKANT D. KULKARNI, J.)** **(RAVINDRA V. GHUGE, J.)**