

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

WRIT PETITION STAMP NO. 14027 OF 2020

Dr. Yuvraj S/o. Haribhau Kharade

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. Sandip R. Andhale, Advocate for the Petitioner.

Mr. A.R. Kale, A.G.P. for State.

....

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATED : 31st AUGUST, 2020

PER COURT:-

1. The petitioner has filed the original application before the Maharashtra Administrative Tribunal challenging the order of transfer. The original application is pending. The prayer for interim stay to the transfer is rejected. Aggrieved thereby, the present petition.

2. Mr. Andhale, the learned counsel for the petitioner submits that the transfer of the petitioner is against the provisions of Section 4 of the Maharashtra Government Servants Regulations of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. The principles of natural justice are violated. At Jamkhed, not a single

complaint as against the petitioner exist. The transfer of the petitioner has been made only under the political pressure. The sanction of the next higher authority has not been obtained. The respondent No.2 is in-charge civil surgeon. The transfer order is passed on Sunday. All such illegal acts are committed while issuing the transfer order of the petitioner.

3. We have heard the learned A.G.P. for the respondents.

4. The Tribunal has observed that the order has already been executed and implemented and the charge of the petitioner is already handed over to Dr. Sanjay Wagh. As the order of transfer is implemented, it would not be appropriate for us to grant stay. It is also the fact that since 9 years the petitioner is at Jamkhed.

5. Considering the above, we are not inclined to entertain the writ petition. The points raised in the petition shall be considered at the time of final hearing of the original application on its own merits. The Tribunal shall endeavour to decide the application expeditiously.

6. The writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE