

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

WRIT PETITION NO. 9192 OF 2019

Jayesh Shrikant Lad

.. Petitioner

Versus

The Chief Executive Officer
Zilla Parishad Aurangabad and another

.. Respondents

Mr. Hemant U. Dhage, Advocate for the Petitioner.
Mr. A. B. Gaikwad, Advocate for Respondent No. 2.

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

DATED : 27th FEBRUARY, 2020.

PER COURT:-

1. The petitioner seeks directions to grant the joining certificate of the period 01.08.2016 to 30.06.2017.

2. Mr. Dhage, the learned counsel for the petitioner submits that the transfer order was issued to the petitioner on 05.07.2016 by Panchayat Samiti, Mulshi. The petitioner was relieved on 25.07.2016 to join at primary school, Pathan Wasti, Janephal centre. The petitioner on 30.07.2016 came to Aurangabad to join at the transferred place. The petitioner was not allowed to join as one Mr. Waghmare was not relieved by the respondents. The petitioner is not at fault. The respondents are not issuing the certificate of joining to the petitioner from the initial date of his joining i.e. 01.08.2016.

3. Mr. Gaikwad, learned counsel for the respondent No. 2 states

that though the transfer order was issued, the relieving order was issued to the petitioner by the Deputy Chief Executive Officer, Pune Zilla Parishad. He did not have authority to relieve the petitioner. Communication was made by the present respondent with the Pune Zilla Parishad. The time was consumed in the said communication.

4. The petitioner cannot be faulted with. The transfer order was already issued to the petitioner. Pursuant to the transfer order issued by the Chief Executive Officer the petitioner was relieved by the Deputy Chief Executive Officer. The petitioner attended the transferred place for joining. The respondents did not allow the petitioner to join. The petitioner cannot be penalized for no fault of the petitioner. If the time was consumed at the behest of the respondents, they cannot penalize the petitioner.

5. Considering the above, the respondents shall consider the petitioner to have joined from 01.08.2016 with the respondents and shall take steps accordingly. The petitioner shall be entitled for all consequential benefits.

6. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.