

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

21 WRIT PETITION NO.13574 OF 2018

**MILIND BHIMRAO GAIKWAD
VERSUS
THE PRINCIPAL SECRETARY AND OTHERS**

Advocate for Petitioner : Mr Kamble Shirish M.
AGP for Respondents State: Mr S B Yawalkar
Advocate for Respondent No.5 : Mr S. D. Joshi
Advocate for respondent No.6 Mr Arvind Deshmukh & vivek Pingle

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATE : 2nd January, 2020

ORDER:

1. By this petition, the petitioner is challenging the order dated 03.08.2018 transferring respondent Nos.5 and 6 respectively on promotion to District Tuberculosis Centre, Aurangabad. It seems that only on assumption and presumption, the petitioner had approached this Court by filing the present writ petition under Articles 14, 19, 21 and 226 of the Constitution of India and in challenge to the orders of respondent Nos.5 and 6, the petitioner is raising ground of challenge against the order of his transfer dated 13.07.2018.

2. It is not in dispute that by taking recourse to the provisions of section 19 of the Administrative Tribunal Act, 1985, aggrieved person who is an employee of State Government or Central Government may approach to the competent tribunal by filing application for redressal of his grievance. The petitioner is an employee of the State Government working in the Health Department.

3. In the present matter, it was brought to our notice by the learned counsel Mr. Joshi and Mr. Deshkukh appearing for respondent Nos. 5 and 6 respectively that the petitioner had already approached

the Maharashtra Administrative Tribunal by filing Original Application No.678/2018. It was also submitted before us that the petitioner expressed his desire before the Tribunal to approach the appropriate forum, namely higher authority i.e. the Director of Health Service, raising grievance against the order dated 03.08.2018 and the Tribunal granted liberty to the petitioner to approach the appropriate forum and then further permitted withdrawal of the original application.

4. It seems that by misreading the order of the Tribunal, more particularly paragraph Nos. 2, the petitioner had filed this writ petition challenging the orders of respondent Nos. 5 and 6.

5. Considering all these facts, we see no reason to entertain the present petition. The petitioner may approach the other forum, if he desires in view of the liberty granted by the Tribunal.

6. The petition, thus, being devoid of any merits and it is filed only on assumption and presumption, is disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

JPC