

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

**WRIT PETITION NO. 14268 OF 2019
WITH CIVIL APPLICATION NO. 539 OF 2020**

Gajanan Nayabrao Magare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Mrigesh D. Narwadkar, Advocate for the Petitioner.

Mr. S. B. Narwade, AGP for Respondent No. 1.

Mr. Amol R. Joshi, Advocate for Respondent Nos. 2 to 4.

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

DATED : 31st JANUARY, 2020.

PER COURT:-

. We have heard Mr. Narwadkar, learned counsel for the petitioner and Mr. Joshi, learned counsel for respondent Nos. 2 to 4.

2. The petitioner is challenging the order of transfer thereby transferring the petitioner from Jalna to Gadchiroli under transfer order dated 18.11.2019.

3. The contention of the petitioner is that the transfer is a mid term transfer. The petitioner has been transferred several times in the past. He has only completed 23 months at Jalna. The petitioner is having

daughter aged four and half years and son aged seven months.

4. According to the respondents, in Vidarbha Region there is paucity of manpower. The services of the petitioner are required at Gadchiroli. The harvesting season is in full swing.

5. It is trite that the transfer is an incidence of service. An employee cannot claim vested right being posted at a particular place. We do not find any malafides in the transfer order, nor the averments of the petition depict so.

6. The petitioner has also worked for more than two years at Jalna. It is considering the exigency of the work at Vidarbha, the petitioner has been transferred on administrative ground. It is not pointed out that the transfer Act applies. Interim order is operating in favour of the petitioner since 26.11.2019.

7. We have been told that there are no guidelines governing transfers of the employee. It would be appropriate for the respondents to frame a policy governing transfers, so that allegations of arbitrariness against the authorities would be avoided.

8. We grant the petitioner fifteen (15) days time to join at the transferred place. The petitioner shall join at the place of his transfer

within a period of fifteen (15) days.

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

10. In view of the disposal of the writ petition, civil application also stands disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.