

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9325 OF 2014

Sandesh Prakash Ahire.

...Petitioner.

Versus

Maharashtra State Electricity
Transmission Co., Ltd and Another.

..Respondents.

Mr. G. R. Agrawal for the Petitioner.
Mr. A. A. Joshi for Respondent No. 1.
Mr. R. S. Pawar for Respondent No. 2.

Coram : RANJIT MORE &
SURENDRA P. TAVADE, JJ.
Date : **January 8, 2020.**

P. C. :

1. Heard learned counsel appearing for the respective parties. By this petition, the Petitioner is seeking to quash the communication dated 31st January 2014 directing the Petitioner to be absorbed as steno-typist. Directions are also sought to consider the Petitioner for the post of head clerk. The Petitioner was originally working with MSEB as a steno-typist. After the trifurcation of MSEB in the year 2006, the Petitioner was promoted to the post of stenographer. In the year 2010, the Petitioner voluntarily sought transfer where his wife was working. Though there was no clear vacancy, the Respondent accepted the request of the Petitioner and transferred him from Mumbai to

Nashik. After working for more than 2 years at Nashik on super-numeric post, the Petitioner filed representation seeking absorption to the post of head clerk at Nashik, which representation is already rejected.

3. Initially, the Petitioner was working at corporate office at Mumbai as stenographer. He voluntarily sought transfer at Nashik where his wife is working and accordingly he was transferred on super-numeric post. In our opinion, the Petitioner could not have asked for the absorption to any other category / post, in view of the non availability of promotional post in the cadre of stenographer. That apart, the Petitioner was also not rendered surplus at Nashik because of change in circumstances or merger or due to any other reason.

4. Taking the circumstances above referred into consideration we are not inclined to entertain this writ petition and the same is accordingly dismissed.

[SURENDRA P TAVADE, J.]

[RANJIT MORE, J.]