

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2012 OF 2020

Maharashtra State Gramsevak Sangha
Vs.
State of Maharashtra and others

WITH

WRIT PETITION NO. 2015 OF 2020

Vyankatrao Tularam Pandhare
Vs.
State of Maharashtra and others

WITH

WRIT PETITION NO. 2016 OF 2020

Mahesh Chandrabhanji Malme
Vs.
State of Maharashtra and others

WITH

WRIT PETITION NO. 2017 OF 2020

Manik Dinanath Motgahre
Vs.
State of Maharashtra and others

WITH

WRIT PETITION NO. 2018 OF 2020

Ravikant Ramesh Rehapade and another
Vs.
State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri S.P Bhandarkar, Advocate for petitioners.
Shri A.S. Fulzele, AGP for respondent Nos. 1 to 3/State.
Shri D.R. Bhoyar, Advocate for respondent No.4/Z.P Wardha.

**CORAM : R.K. DESHPANDE AND
PUSHPA V. GANEDIWALA, JJ.**

DATED : AUGUST 31, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The present writ petitions are claiming the reliefs as under:

“(a) by an appropriate writ, order and/or direction, hold and declare that the impugned Government Resolution dated 07.07.2020 (Annexure-C) providing for transfer of employees by ignoring the present COVID-19 pandemic is arbitrary, illegal, unjust and against the settled principles of law;

(b) by an appropriate writ, order and/or direction, quash and set aside the impugned Government Resolution dated 07.07.2020 (Annexure-C) providing for transfer of employees by ignoring the present COVID-19 pandemic, as being arbitrary, illegal, unjustifiable and against the principles of natural justice;

(c) by an appropriate writ, order and/or direction stay the effect, operation and implementation of the impugned Government Resolution dated 07.07.2020 (Annexure-C) considering the grounds raised hereinabove during the pendency of the instant petition;

(d) by an appropriate writ, order and/or direction hold and declare that the communication dated 10.07.2020 is issued without considering the danger of present COVID-19 pandemic and in furtherance thereof be pleased to stay the effect, operation and implementation of the communication dated 10.07.2020 (Annexure-E) during the pendency of the instant petition in the interest of justice;

(e) Be pleased to grant ex-parte ad-interim relief in terms of prayer clause (c) and (d) above;

(f) grant any other relief as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and in the interest of justice."

3. Our attention is invited to the communication dated 23.07.2020 issued by the Deputy Secretary, General Administration to the Deputy Secretary, Rural Development Department informing that the Government Resolution dated 07.07.2020 issued by General Administration Department regarding transfer during COVID-19 is not applicable either to the employees of Rural Development Department or employees working in Zilla Parishad. In view of this grievance of the petitioners in prayer clause-(a) stands satisfied. So far as grievance in prayer clause-(b)

regarding challenge individual order of transfer on the basis of the Government Resolution dated 07.07.2020 is concerned, we informed the representation is already pending before the Divisional Commissioner challenging the order of transfer. We do not find any reason to keep these matters pending and we direct the Divisional Commissioner to decide the representation in respect of transfer of Zilla Parishad employees made on the basis of the Government Resolution dated 07.07.2020 within a period of 30 days, as per Government Resolution dated 15.05.2014, from the date of communication of this order.

4. The writ petitions stand disposed of accordingly.

JUDGE

JUDGE

Wagh