

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

1013 WRIT PETITION NO.15383 OF 2019

A HAMID DAULATABADI AND ANOTHER .. Petitioners
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS .. Respondents

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Advocate for Petitioners : Mr Anand V. Patil (Indrale)
Addl. GP for Respondent Nos.1 & 2 : Mrs M.A. Deshpande
Advocate for Respondent No.3 : Mr S.B. Pulkundwar
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**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 30-07-2021

PER COURT : -

1. The learned Counsel for the petitioners, on instructions, seeks leave to withdraw the writ petition for petitioner no.2. Leave granted. Writ Petition is disposed of as withdrawn to the extent of petitioner no.2.

2. We have heard Mr Patil, learned Counsel for petitioner no.1, learned AGP for respondents no.1 & 2 and Mr Pulkundwar, learned Counsel for respondent no.3.

3. The learned Counsel for petitioner no.1 submits that stay at a particular taluka is required to be considered while considering the seniority for transfer from one taluka to another. Petitioner No.1 came

to Degloor taluka in the year 2011. On 24-05-2016 petitioner no.1 was transferred to Mukhed taluka. Petitioner no.1 worked at Mukhed for four months. Thereafter his transfer order is cancelled and petitioner no.1 is brought back to Degloor. The learned Counsel submits that, the service of petitioner no.1 at Degloor taluka is not continuous from the year 2011. There is a break in the year 2016. As such, the service of petitioner no.1 at Degloor shall be considered after August – 2016 and the seniority should be considered accordingly.

4. Though the argument of Mr Patil, learned Counsel for petitioner no.1 seems attractive, we are not convinced to accept the said contention. Petitioner no.1 is working at Degloor since the year 2011. On 24-05-2016, petitioner no.1 was transferred to Mukhed. The petitioner no.1 challenged the said transfer order before the Commissioner. The order of transfer was cancelled in August -2016 and petitioner no.1 was brought back to Degloor. Petitioner no.1 worked for about three months at Mukhed, however in view of the cancellation of the transfer order, petitioner no.1 was brought back to Degloor. Petitioner No.1 is making out an artificial distinction. He was at Mukhed only for three months. He got the benefit of the order of cancellation of transfer from the Commissioner and is again reposted at Degloor. The

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service of the petitioner at Degloor is rightly considered from the year 2011.

5. We do not find any merit in the matter.

6. The Writ Petition is accordingly disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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