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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11375 OF 2018

Shri Bharat R. Narayankar

.. Petitioner

Versus

Union of India & ors.

.. Respondents

Mr. Vicky A. Nagrani for petitioner.

Mr. Neel G. Helekar a/w Ms. Anjali Neel Helekar and Mr. Ashutosh Gole for respondent nos.1 to 4.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: OCTOBER 20, 2021

PC:

1. Original Application No. 369 of 2018 on the file of the Central Administrative Tribunal, Mumbai Bench, Mumbai (hereafter "the Tribunal" for short) has been dismissed by the Tribunal by its order dated 5th September, 2018. In the original application, an order of transfer dated 26th December 2016 by which the petitioner was shifted from Mumbai to Karwar, Karnataka was under challenge. Aggrieved by such dismissal, the original applicant has approached this Court by presenting this writ petition dated 3rd October, 2018.

2. While entertaining this writ petition on 4th October, 2018, a coordinate Bench of this Court granted interim relief on the

same terms as were in operation prior to dismissal of the original application by the Tribunal. As a result thereof, the petitioner continued to remain posted in Mumbai. It has been more than 3 (three) years that the petitioner did not move to Karwar in terms of the impugned transfer order dated 26th December, 2016, in view of continuance of the order granting interim relief. It is not in dispute that the petitioner challenged the said order of transfer on the ground that it was issued only 9 (nine) months after the petitioner's posting to Mumbai and was, thus, in violation of the transfer and posting policy. Since now we find that the petitioner has spent more than 5 (five) years at Mumbai, he is now liable to be transferred in terms of the said policy.

3. We, therefore, see no reason to keep the writ petition pending. The writ petition is disposed of granting liberty to the respondents to proceed in accordance with law and effect transfer of the petitioner in terms of the extant transfer and posting policy. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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signed by
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DASHARATH
PANDIT
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