

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 1604/2021

Pravin s/o Wamanrao Khandare

..VS..

The State of Maharashtra and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.R. Saboo, Advocate for the petitioner
Miss. Nivedita P. Mehta, AGP for respondents/State

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, J.J.

DATED : 17/03/2022

Heard.

The challenge raised in this writ petition is to the order passed by the Maharashtra Administrative Tribunal, Nagpur (for short the "Tribunal") on 01.04.2021. By that order the Original Application No. 114/2021 that was preferred by the petitioner for challenging his transfer from Gadchiroli to Mumbai on 01.02.2021 was challenged. The Tribunal on 01.04.2021 dismissed the Original Application. The petitioner filed the present writ petition and the *interim* order which was operating during the pendency of the proceedings before the Tribunal was continued on 09.04.2021. However on 21.09.2021 this order was vacated and consequently the petitioner on 04.10.2021 has joined his place of transfer at Mumbai pursuant to the order dated 01.02.2021.

During pendency of the writ petition the petitioner on 24.11.2021 made a representation stating therein that he may be transferred at some other vacant post since his posting at Mumbai was found to be unsuitable by him. The petitioner's representation was taken up for consideration by the Civil Services Board and it

was observed that since the dispute pertaining to the petitioner's transfer was pending in Court, no decision could be taken on that representation.

The learned Counsel for the petitioner submits that his tenure at Gadchiroli was for almost three years. He has joined duties at Mumbai since 04.10.2021 however under protest. It is stated that the Civil Services Board may be directed to consider the representation dated 24.11.2021 since the only ground why the decision was not taken was the pendency of the present writ petition.

The learned Assistant Government Pleader for the respondents submits that Annual General Transfers would be effected shortly and the representation of the petitioner would be considered in that backdrop.

Accordingly, since we find that the petitioner has served at Gadchiroli for almost three years and he is presently serving at Mumbai, the interest of justice would be served by directing the respondents to consider the representation dated 24.11.2021 as made by the petitioner in accordance with the prevailing policy and in accordance with law. The decision in that regard may be take in the context of the Annual General Transfers which are to be shortly effected.

With this direction, the writ petition is disposed of. No costs.

JUDGE

JUDGE

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