

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

Writ Petition No.3833 of 2023

Rameshwar S/o Lahuji Bhoyar and another

Versus

The State of Maharashtra and others

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

Court's or Judge's order

Smt. S.P. Giratkar, Counsel for Petitioners.

Shri S.A. Ashirgade, Additional Government Pleader for Respondent Nos.1 to 3.

Shri S.V. Sohoni, Counsel for Respondent Nos.4 and 5.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 26th JUNE, 2023.

1. Not on board. Taken on board.
2. The petitioners who are husband and wife are aggrieved by the relieving order dated 16-5-2023 issued by the respondent No.4 pursuant to their transfer under the Government Resolution dated 7-4-2021. It is urged by the petitioners that without considering the relevant provisions of the said Government Resolution, the petitioners have been transferred and thereafter relieved. Both the petitioners have completed the age of 55 years and therefore they contend that they are entitled to continue under Clause 1.8.13 of the said Government Resolution. Both the petitioners have preferred appeals before the Divisional Commissioner, Nagpur Division, Nagpur on 5-6-2023 by taking recourse to Clause 5.10.2 of the said Government Resolution.
3. In view of aforesaid, Rule. Shri S.A. Ashirgade, learned Additional Government Pleader for the respondent Nos.1 to 3; and Shri S.V. Sohoni, learned counsel for the respondent Nos.4 and 5, waive notice of hearing. Rule made returnable forthwith.
4. Since the petitioners' appeals under Clause 5.10.2 of the Government Resolution dated 7-4-2021 are pending with the Divisional Commissioner, Nagpur Division, Nagpur, the writ petition is disposed of by directing the Divisional Commissioner to consider the petitioners' appeals and take a decision

on the said appeals within a period of two weeks of receiving the copy of this order.

5. The learned Additional Government Pleader for the respondent Nos.1 to 3 to communicate this order to the Divisional Commissioner for such consideration.
6. The points raised in the writ petition are kept open for consideration.
7. Rule is disposed of in above terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR