

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

Writ Petition No.4386/2023

Anand Reddy Yellus V Union of India and others

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

Court's or Judge's Orders

Mr. M.M. Sudame, Advocate for petitioner.
AGP for respondents 2 to 4.
Mr. N. Deshpande, ASGI for respondent 1.

CORAM : Rohit B. Deo and M.W. Chandwani, JJ.
DATE : 19-07-2023

The petitioner who was working as Deputy Conservator of Forest (Territory), Yavatmal, and was also holding additional charge of the post of Deputy Conservator of Forest (Working Plan), Yavatmal, was issued transfer order dated 21-02-2023 transferring him as Deputy Conservator of Forest (Forest Conservation), Nagpur.

2. The petitioner approached the Central Administrative Tribunal (CAT) in Original Application 136/2023 challenging the transfer order.

3. The CAT heard the parties on interim relief on 24-02-2023. On behalf of the Department, it was brought on record that pursuant to the transfer order dated 21-02-2023, the petitioner stood relieved, and the posts are filled in by others who have joined.

4. The CAT directed the Department not to disturb

the applicant from the post of Deputy Conservator of Forest (Working Plan), Yavatmal Division till the next date of hearing.

5. It appears that despite the position on record that even before the passing of the interim order the posts were filled in, and the concerned officers had joined, the said officers were not made parties to the Original Application.

6. The CAT passed final order dated 07-07-2023, the operative part of which reads thus :

"10.4. The applicant was given interim relief by this Tribunal vide order dated 24.02.2023 by directing the respondents to allow the applicant to continue as Deputy Conservator of Forest (Working Plan), at Yavatmal Division. the said interim relief is made absolute. The respondents are directed to allow the applicant to continue in his present post of Deputy Conservator of Forest (Working Plan), at Yavatmal Division till completion of his two years tenure."

7. The grievance of the petitioner is that having held the transfer illegal, the CAT ought to have directed that the petitioner be posted as Deputy Conservator of Forest (Territory), Yavatmal and not as Deputy Conservator of Forest (Working Plan), Yavatmal which was the additional charge.

8. We do not see any error in the direction issued. The interim relief which is made absolute was restricted to the post of Deputy Conservator of Forest (Working Plan), Yavatmal. Even before the CAT passed interim order, the post

of Deputy Conservator of Forest (Territory), Yavatmal was filled in, and the transferred officer was not impleaded in the proceeding.

9. The other grievance of the petitioner is that while he is posted as Deputy Conservator of Forest (Working Plan), Yavatmal, he is not paid salary since March.

10. If the petitioner is posted as Deputy Conservator of Forest (Working Plan), Yavatmal, there is no reason why he should not receive the salary. Subject to the limited direction to the respondents that the petitioner be paid the salary for the period worked as Deputy Conservator of Forest (Working Plan), Yavatmal and the respondent shall continue to pay salary regularly till the petitioner holds the said post, the petition is dismissed.

JUDGE

JUDGE

Deshmukh