

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

WRIT PETITION NO. 4650 OF 2023

(Ashish Mahadeorao Mohinkar Vs. Union of India & Ors.)

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

Court's or Judge's order

Shri S.V. Bhutada, Advocate for the petitioner.
Shri C.J. Dhumane, Advocate for the respondents.

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

DATE : AUGUST 11, 2023

Heard.

2] The challenge raised in the present Writ Petition is to the order of transfer dated 21/7/2023 by which the services of the petitioner have been transferred from Nagpur to Bhusawal Division. The petitioner had made a representation on 21/7/2023 indicating therein that as the petitioner's wife was serving at Gram Panchayat – Mursa, District - Chandrapur, he be posted at a place nearby considering the aspect of couple convenience. The said representation was accordingly directed to be decided by the order dated 25/7/2023. This representation now stands decided by respondent no.2 on 4/8/2023. After giving various reasons, it has been indicated that the petitioner's request for posting at Amravati or Murtizapur in the Bhusawal Division cannot be considered since the force order has been issued in the light of the Transfer Management Module. The petitioner has sought to raise a challenge to this order by moving Civil Application No. 2444/2023.

3] After hearing the learned Counsel for the parties and after perusing the documents on record, we do not find that there is any arbitrariness or illegality in issuing the order of transfer insofar as the petitioner is concerned. In the light of the fact that the petitioner has completed two tenures at the Nagpur Division, the said order has been passed. We therefore do not find any reason to interfere with the said order. At the same time, respondent no.2 while deciding the petitioner's representation dated 21/7/2023 has indicated that after joining the place of transfer and completing the period of one year, if a fresh request is made, the same would be considered in accordance with law. We are inclined to

permit the petitioner to exercise this option in the facts of the present case. Accordingly, it is directed that in case the petitioner makes a request for transfer at a place near Nagpur but under the Bhusawal Division on completion of period of one year as indicated in the communication dated 4/8/2023, the same shall be considered by respondent no.2 in accordance with the prevailing policy. In view of the interim order dated 25/7/2023, the petitioner is still serving at Nagpur. He is granted seven days time to report at the place of transfer.

4] With these observations, the Writ Petition is disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT