

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

Writ Petition (WP) No. 8574 of 2018

Ku. Prashali Vinod Shende

Versus

The Divisional Commissioner, Amravati Division, Amravati and others

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

Court's or Judge's Order

Shri R.S.Parsodkar, Advocate for the petitioner.

Shri K.L.Dharmadhikari, AGP for the respondent nos. 1
and 4.

Shri M.G.Rathi, Advocate for the respondent no.2.

CORAM : ANIL S. KILOR, J.

DATED : 23rd JANUARY, 2023.

Heard learned counsel for the respective
parties.

2. Present matter pertains to transfer under the Zilla Parishad and the transfer order which is under challenge is dated 18th July, 2018. As such considering the period lapse after issuance of impugned order and the period of pendency of the present petition, the cause of action does not survive in this case except the order imposing punishment of withholding of increment for one year.

3. The reason for imposing of such punishment was that the authorities below have formed an opinion that to bring the case of transfer of the petitioner within the policy of unification of husband and wife, some documents were filed by the petitioner as regards distance between the place of posting of the petitioner and place of posting of the petitioner's husband were found to be not correct.

4. However, considering the fact that no show cause notice was given about imposition of such punishment, the said punishment does not survive. Accordingly, the punishment of temporary withholding of increment for one year recorded by the Divisional Commissioner vide impugned order dated 7th December, 2018 is hereby quashed and set aside. The writ petition is disposed of accordingly.

[ANIL S. KILOR, J.]

SACHINDANAND
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