



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 8236 OF 2024

PRAVIN ASHOK BHADAK

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Sanket N. Suryawanshi, Advocate for the Petitioner

Mr. R. S. Wani, AGP for the Respondents State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 6th August, 2024

ORDER:

1. The only prayer put forth by the Petitioner in this Petition is that though the transfer order dated 27.07.2023, has been issued by the competent authority, thereby transferring the Petitioner from Kalyan to Dhule, yet, the Petitioner is not being relieved from his present posting at Kalyan by Respondent No.4. It is also submitted that his transfer order was also defended before the learned Maharashtra Administrative Tribunal in Original Application No. 730 of 2023, The issue as regards Section 10 of the Maharashtra Government Servants (Regulation of Transfers and Prevention of Delay in Discharge of Official Duties) Act, 2005 could have an effect on the conduct of the Respondent.

2. The Petitioner's Original Application (Transfer Application No. 25 of 2024), is before the learned Tribunal. The interim application

was heard and an order was passed on 25.07.2024, vide which, the learned Tribunal declined to issue any interim orders. The matter is now posted for a final hearing, on 26.08.2024.

3. It is a weird situation wherein an authority competent to transfer the Petitioner, has issued a transfer order on 27.07.2023 and is not effecting the same. When the said transfer order was challenged in Original Application No. 730 of 2023, the Department stoutly defended the order. With the passage of one year and ten days, the Petitioner is still not relieved and is on tenter-hooks. His aged father is taking treatment at Dhule. It is, therefore, prayed that either the post on which he is being transferred at Dhule be kept vacant or the learned Tribunal be requested to decide the application of the Petitioner, expeditiously.

4. In view of the above, we request the learned Tribunal to consider the plight of the Petitioner and hear the parties on 26th August, 2024 and endeavour to deliver a judgment, as early as possible. The issue raised by the Petitioner that Respondent No.4 is answerable for the delay in discharge of official duties in view of Section 10 of the 2005 Act, is kept open for the Tribunal to consider.

5. The learned Advocate for the Petitioner contends that once the transfer order has been issued on 27.07.2023, the Petitioner cannot

be transferred for a period of three years. This aspect will also be considered by the Tribunal.

6. With the above observations and request, **this Writ Petition is disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan