

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12737 OF 2024

Raju Dhondiram Akrupe .. Petitioner
Vs.
The State of Maharashtra,
Through Medical Education and Drugs Dept. & Ors. .. Respondents

Ms. Pushpa Ganediwala with Ms. Anshu Agrawal and Mr. Ankit Rathod,
i/by Mr. Mangesh Chandratre, Advocates for the Petitioner.

Ms. Kavita N. Solunke, Assistant Government Pleader for the Respondent-
State of Maharashtra.

CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ

DATE : 6TH SEPTEMBER, 2024.

PC. :

1. The challenge raised in this writ petition is to the order dated 2nd September 2024 passed in Original Application No.1104 of 2024. In the said Original Application, the petitioner has raised a challenge to his order of transfer dated 31st August 2024 from Thane-2 to Headquarter-6. The petitioner is serving on the post of “Food Safety Officer”. It is his case that his minor child is suffering from disability on account of autism. The petitioner seeks to rely upon Office Memorandums dated 6th June 2014 and 17th November 2014 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India. The petitioner also seeks to rely upon the judgment

of the Maharashtra Administrative Tribunal, Mumbai dated 15th December 2023 passed in Original Application No.868 of 2023 (*Nilprasad Namdeorao Chavan Vs. The State of Maharashtra, through Revenue & Forest Department and Anr.*) wherein the State Government was directed to take into consideration the aforesaid Office Memorandums and examine whether a similar policy could be framed.

2. The Tribunal on 2nd September 2024 has issued notice in Original Application No.1104 of 2024 and made it returnable on 18th September 2024. According to the petitioner, a note for speaking to the minutes was filed on the premise that certain observations with regard to grant of ad-interim relief were not found in the said order. It is submitted that the matter was placed on board on 3rd September 2024 but as of today, no order has been passed on the note for speaking to the minutes.

3. Be that as it may, we find that the prayer for interim relief by the Tribunal deserves expeditious consideration. In that view of the matter, the Tribunal is requested to consider the prayer for grant of interim relief prior to the returnable date which is 18th September 2024.

4. The petitioner is granted liberty to circulate the Original Application No.1104 of 2024 prior to the aforesaid date. This would enable the Tribunal to consider the prayer for interim relief.

5. By clarifying that this Court has not considered the matter on merits and all contentions are open, the writ petition is disposed of.

6. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]