

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.628 OF 2025**

Bhushan Ravindra Dhivare

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

...

Mr. Abhishek Nagode (through VC) Advocate for the
Petitioner

Mrs. Anjali Helekar a/w. Ms. Astha Arya, Advocates
for the Respondent Nos.1 and 2.

...

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 16th OCTOBER 2025

P.C. :

Order dated 27th November 2024 passed by the Central Administrative Tribunal, Mumbai Bench in Original Application No.998 of 2024 has been challenged in this writ petition.

2. The petitioner is aggrieved by the transfer order dated 2nd August 2024 and the consequent relieving order issued on 13th August 2024. On a Court's query, the learned counsel for the petitioner states that the petitioner on account of financial difficulty has not yet tendered his joining at the transferred post at Port Blair. As we see in the representations made by the petitioner to the competent Authority, he has not joined the transferred post on the ground of pendency of this writ petition. We observe that no interim order has been granted by this Court in favour of the petitioner but he has not joined his post. On merits, we do not find any substance in the challenge laid to the transfer order dated 2nd August 2024. The reliance placed by the petitioner to the transfer policy dated 25th November 2005 does not provide any support to him to challenge the said transfer order. The Tribunal in its order dated 27th November

2024 referred to the decision in “*State of Uttar Pradesh v. Gobardhan Lal*” (2004) 11 SCC 402 wherein the Hon'ble Supreme Court observed that the transfer is an incident of service and an order of transfer cannot be challenged unless it is shown that it was an outcome of a *mala-fide* exercise of powers or violation of any statutory provision. We may add to this that a government employee has no vested right to remain at a particular place or hold a particular post. In “*Union of India v. S.L. Abbas*” (1993) 4 SCC 357 the Hon'ble Supreme Court observed as under:

“7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right.”

3. The Tribunal in its order dated 27th November 2024 has observed as under:

“13. At this stage, it is relevant here to take note of the argument of the learned counsel for the applicant on the basis of Oms dated 30th July, 2014 and 02nd July, 2015 on the subject of implementation of Hon'ble Supreme Court's judgment passed in the case of **T.S.R. Subramaniam (supra)**. It was also the contention of the learned counsel for the applicant that his case was never placed before the Committee as per the judgment of the Hon'ble Supreme Court in respect of which the aforesaid Oms have been issued by the DoPT.

14. In the present case, impugned transfer order was issued by the competent authority on administrative exigency and in public interest which was duly justified by the Department in the present case. Further, it is not the case of rotational transfer. In these circumstances, the contention raised by the applicant is not tenable.

15. Thus, in view of the aforesaid discussion and proposition of law laid down by the Hon'ble Supreme Court in the case of **Gobardhan Lal (supra)** and **S. K. Nausad Rahaman (supra)**, there is no ground available for interference in the transfer order dated 02nd August, 2024 and representation rejection order dated 30th August, 2024. The OA is liable to be dismissed and it is accordingly dismissed. Pending Mas, if any, stand closed. No costs.”

4. We do not find any error in the decision of the Tribunal and Writ Petition No.628 of 2025 is dismissed. However, we grant four weeks' time to the petitioner to attend his joining at the transferred post i.e. on or before 17th November 2025.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

JAYANT
VISHWANATH
SALUNKE

Digitally signed
by JAYANT
VISHWANATH
SALUNKE
Date: 2025.10.21
21:03:31 +0530