

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 17610 OF 2024**

Director General Ordnance (C&S)
Directorate of Ordnance and Others Petitioners.
V/s
Jayesh Mohan SolankiRespondent.

Mr. Neel Helekar a/w Mr. Ashutosh Misra, Advocates for the Petitioners.
Mr. Ajeet Manwani, Advocate for the Respondent.

**CORAM : A. S. CHANDURKAR &
M. M. SATHAYE, JJ.**

DATE : 30th APRIL, 2025

P.C. :

1] The challenge raised in this writ petition is to the order dated 24/05/2024 passed by the Central Administrative Tribunal, Mumbai in Original Application No.1113 of 2023. By the said order, the Tribunal has allowed the Original Application and set aside the transfer order dated 12/09/2023 issued to the Respondent on the ground that the said transfer has been effected without following the Transfer Policy that has come into force from 28/12/2021.

2] We have heard the learned counsel for the Petitioners as well as the learned counsel for the Respondent. We have also perused the documentary material on record.

3] The Respondent came to be transferred on 12/09/2023 pursuant to the Transfer Policy of the Petitioners. As per Clause-8 of the Transfer Policy, all Nursing and PMS staff are liable to be transferred at any point of time on functional grounds. Specific reasons however have to be

clearly recorded and communicated to the transferred staff. Undisputedly, in terms of the said Clause-8, no reasons have been recorded in the order of transfer nor have any reasons been communicated to the Respondent. It is on this sole ground that the Tribunal has interfered with the order of transfer.

4] Though the learned counsel for the Petitioners sought to contend that the jurisdiction to interfere in the matters of transfer is limited by relying upon the decisions in *Shilpi Bose (Mrs) and Others vs. State of Bihar and Others*, 1991 Supp (2) SCC 659 and *Union of India and Others vs. S.L. Abbas*, (1993) 4 SCC 357, we find that the Tribunal was justified in holding that since the Transfer Policy itself requires reasons to be assigned and also communicated to the concerned employee, which was not done in the present case, it cannot be said that its interference was unwarranted.

5] In the absence of any jurisdictional error committed by the Tribunal, there is no case made out to interfere in exercise of writ jurisdiction. The writ petition is therefore dismissed. Needless to state that this adjudication shall not preclude the Petitioners from taking fresh steps under the Transfer Policy in accordance with law.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J.)