

Kartikeya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10548 OF 2025

Sunil Shivaji Wagh	...Petitioner
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr. R.G. Panchal a/w Mr. Suresh A. Ghamre, Mr. Sarang Gundajwar and Mr. K.S. Thorat, for the Petitioner.
Mr. N.C. Walimbe, Addl. G.P. a/w Smt. S.R. Crasto, AGP, for the Respondent No.1-State.
Ms. Shakuntala Wadekar, for the Respondent Nos.2 and 3.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 16TH SEPTEMBER 2025.

PC:-

1. Heard Mr. Panchal, learned Counsel for the Petitioner, Mr. Walimbe, learned Addl. G.P. for Respondent No.1-State and Ms. Wadekar, learned Counsel for Respondent Nos.2 and 3.

2. The Petitioner, who was working as a Driver under the Government Transport Services, Worli, Mumbai (for short “GTS”), was transferred from Mumbai to Nagpur, vide transfer order dated 21.07.2025. Aggrieved by the transfer order dated 21.07.2025, the Petitioner, as Original Applicant, had preferred Original Application No.802 of 2025 before the learned Maharashtra

Administrative Tribunal (for short “MAT”), Mumbai, assailing the impugned transfer order and also seeking an interim order of stay.

3. After hearing the Applicant, the learned MAT has passed order dated 22.07.2025 issuing notice to the opposite parties. As an ad-interim measure, limited protection was granted to the Petitioner in respect of the Government quarter under his occupation, until final decision of the Original Application. No stay of the transfer was, however, granted.

4. Aggrieved by the order dated 22.07.2025, the Petitioner has filed the present Writ Petition, wherein interim order dated 31.07.2025, was passed by a Co-ordinate Bench of this Court directing the Respondents not to take any coercive action against the Petitioner for not reporting at Nagpur. The aforesaid interim order is still in force.

5. According to the Petitioner, the transfer order is not only in violation of the conditions of service of the Petitioner, but also in contravention of the statutory provisions contained in the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. Hence, the same is liable to be set-aside by this Court.

6. Resisting the above submissions, Ms. Wadekar, learned Counsel for Respondent Nos.2 and 3 submits that there are serious complaints against the Petitioner, which includes leaking of sensitive information. As such, since the Petitioner is on VVIP protocol duty and considering the upcoming State Local Body

Election in Maharashtra, the impugned order of transfer was issued in the interest of public service.

7. Ms. Wadekar, learned Counsel for Respondent Nos.2 and 3 submits that in view of the allegations brought against the Petitioner, he cannot be permitted to continue in VVIP protocol duty, as the same would adversely impact the functioning of the Department. On such ground, Ms. Wadekar has prayed for vacating the interim order operating in this case.

8. We have considered the submissions made at the Bar and have also gone through the materials placed on record. We find that Original Application No.802 of 2025, preferred by the Petitioner, is pending disposal before the learned MAT. We are informed that the matter is at the final stage of hearing. Since the learned MAT is seized of the matter, insofar as the legality and validity of the transfer order dated 21.07.2025 is concerned, we are of the view that proper course of action would be to make an endeavour to expeditiously dispose of the Original Application No.802 of 2025 by a reasoned order. At the same time, since there is already a limited order of protection of the interest of Petitioner, we are also of the view that till such time the OA is disposed of by the learned MAT, the Petitioner should not be compelled to join at Nagpur.

9. As such, we hereby direct that the operation of the transfer order dated 21.07.2025 shall remain suspended till the disposal of Original Application No.802 of 2025, subject, however, to the condition that it will be open for the Department to assign any other duty to the Petitioner commensurate with his order of

appointment, other than the duty of a Driver in the VVIP protocol service provided further that the place of his work is within the BMC limits of Mumbai City. Interim order dated 31.07.2025 passed by this Court stands modified to the above extent. This order would, however, not create any right or equity in favour of the Petitioner and would be subject to the outcome of the OA. The interim protection granted to the Petitioner by the learned MAT pertaining to the Government quarter shall continue till the disposal of the OA. We request the learned MAT to dispose of Original Application No.802 of 2025, expeditiously, preferably within three months from today.

10. With the above observations, the Writ Petition stands disposed of.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)