

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10702 OF 2025

The State of Maharashtra and anr. ... Petitioners
Versus
Prakash Suresh Mule and ors. Respondents

**WITH
WRIT PETITION NO. 10707 OF 2025**

The State of Maharashtra and anr. ... Petitioners
Versus
Bhushan Shrihari Raut and ors. Respondents

Smt. R.A. Salunkhe, AGP for the Petitioner-State in WP/10702/2025 & WP/10707/2025.

Shri Anil Anturkar, Senior Advocate i/b Adv. Yatin Malvankar, for Respondents in WP/10702/2025.

Shri Anil Anturkar, Senior Advocate a/w Ms. Kashish Chelani i/b Mr. Sugandh Deshmukh, for Respondents in WP/10707/2025.

Dr. Uday Warunjikar a/w Ms. Sonali R. Chavan & Mr. Utkarsh Pondkule, for petitioners in WP/11011/2025.

Smt. Ashwini A. Purav for Respondent-State in WP/11011/2025.

Mr. Sanjay Metrewar, Joint Transport Commissioner (Admin), M.S., Mumbai present.

Mr. Jayesh Chiplunkar, Asst. M.V. Prosecutor present.

**CORAM : M.S.KARNIK AND
N.R.BORKAR, JJ.**

DATE : 11th AUGUST 2025

P.C. :

1. Heard learned AGP for the petitioners and learned Senior

Advocate Shri Anturkar appearing for the respondents.

2. The respondents filed Original Application ('OA', for short) No. 517 of 2025 and OA No. 518 of 2025 before the Maharashtra Administrative Tribunal, Mumbai ('Tribunal', for short) challenging orders of transfer. The respondents are working as 'Motor Vehicles Inspector' with Road Transport Department of the State of Maharashtra. By order of transfer dated 19/05/2025, 159 Motor Vehicle Inspectors being due for transfer on completion of three years tenure in the post, were transferred to different places. The said transfers were challenged before the Tribunal by as many as 37 Motor Vehicles Inspectors. During the pendency of the OAs, by the impugned interim order, the Tribunal, Mumbai for the reasons mentioned in the impugned order dated 27/05/2025 stayed the order of transfer and directed the petitioners to permit the respondents to join back on the post where they were working prior to the order of transfers.

3. We have perused the interim order of Tribunal. The transfers are effected on the basis of Computerised Transfer System approved by GR dated 28/06/2023 of the Home department. In

the impugned order the Tribunal has expressed apprehension about the working of the Computerised Transfer System. The Tribunal also referred to the interim order of the Tribunal in OA/1538/2020 & OA/1547/2023 which expected the State Government to comply with the observations made therein. It is pointed out by learned AGP that OAs No. 1538/2020 and 1547/2023 have since been withdrawn. Learned Senior Advocate Shri Anturkar for the respondents was at pains to submit that there is no reason to interfere with the order passed by the Tribunal. It is submitted that orders of transfer and relieving orders was effected in a manner which effectively deprived the respondents from seeking any interim reliefs. Shri Anturkar arguing in support of the impugned order passed by the Tribunal made an attempt to bring to the notice of this Court how adoption of the computerised system for effecting transfers may be detrimental to the genuine interest of the respondents and against the circulars.

4. In our opinion, all these contentions can best be considered by the Tribunal when OA is heard finally on merits. No breach of statutory provisions is alleged nor is it the case that the transfers are malafide. The respondents have completed their normal

tenures in the posts after which the transfers are effected. The respondents have been relieved. In our view, in the present fact, once the respondents are relieved, it would have been appropriate for the OAs to be heard finally instead of granting an interim relief in favour of such large number of respondents. We are informed that the respondents have filed a detailed reply to the OAs.

5. We are inclined to interfere with the interim order passed by the Tribunal. The impugned order passed by the Tribunal has directed that the respondents should be permitted to rejoin the post where they were working prior to the order of transfers. It is pertinent to note that a somewhat similar challenge was raised by one Motor Vehicle Inspector to the order of transfer before Aurangabad Bench of Maharashtra Administrative Tribunal. We are informed by learned AGP that Government Circular dated 19/07/2023 which was under challenge before the Aurangabad Bench of Maharashtra Administrative Tribunal, also forms the basis of challenge before Principal Bench at Mumbai in the OAs filed by the respondents. Learned Senior Advocate Shri Anturkar submits that the respondents have also challenged the transfer on other grounds and he would be in a position to demonstrate why the

order passed by the Aurangabad Bench of the Tribunal is erroneous.

6. Suffice it to observe that in the light of the fact that Aurangabad Bench of Maharashtra Administrative Tribunal has dismissed the OA/474/2025 filed by Motor Vehicle Inspector on merits by a reasoned order, which had raised a similar challenge, we have no hesitation in setting aside the impugned order. However, it is made clear that we have not made any observations on merits of the order dated 26/06/2025 passed by the Aurangabad Bench of Maharashtra Administrative Tribunal in OA/474/2025. It is open for the respondents to raise all permissible contentions before learned Tribunal in the OAs filed by the respondents.

7. The impugned order is set aside. All contentions are kept open. The Tribunal is requested to hear and decide the OAs finally within a period of 10 weeks from 18/08/2025. Parties to appear on 18/08/2025 along with a copy of this order.

8. The petitions are disposed of.

9. In view of the order passed in this petition, the matter at serial no.62 i.e. Writ Petition No. 11011 of 2025 also stands disposed of.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)