

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3770 OF 2024

Union of India and Anr.

...Petitioners

Versus

Shashikant Lokhande

...Respondent

Mr. Rui Rodrigues i/b Mr. D.P. Singh, Advocate for the Petitioners.

Mr. S.N. Rajpurohit, Advocate for the Respondent.

Mr. Bharat Kumar Sharma, Member Secretary, CPCB present.

Mrs. Madhu Luthra Div. Head (Personnel), CPCB present.

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

DATE : 9th APRIL 2025

P.C. :

1. Rule. Rule made returnable forthwith. Heard finally by consent of learned Counsel for the parties.

2. The challenge raised in this Writ Petition is to the order dated 15.05.2024 passed by the Central Administrative Tribunal, Mumbai in Original Application No. 1182 of 2023. By the said order, the Tribunal allowed the aforesaid Original Application and set aside the order of transfer dated 24.11.2023 that was issued to the Respondent. By the said order, the Respondent was transferred from the post of 'Regional Director Scientist 'E', Pune to the post of Regional Director, Bengaluru. One of the reasons for the Tribunal to interfere with the order of transfer was the absence of a transfer policy being in place.

3. We had heard the learned Counsel for the parties on 02.04.2025 when the following order was passed :-

“1. Considering the fact that during pendency of the

present proceedings, the petitioner no.2 has implemented "The Central Pollution Control Board Employees Transfer Policy 2024", the learned counsel for the petitioners seeks time to obtain instructions as to whether the said policy can be now considered in the case of the respondent.

2. Stand over to 9th April 2025 after urgent matters.”

4. Today, the learned Counsel appearing for the Petitioners on instructions submits that the Central Pollution Control Board Employees Transfer Policy, 2024 (for short ‘Policy of 2024’) has come to effect from 27.12.2024. It is further submitted that the services of the Respondent are governed by the Policy of 2024.

5. Considering the fact that the order of transfer dated 24.11.2023 has been set aside by the Central Administrative Tribunal as a result of which the Respondent continues to discharge duties at his former post and that a period of about one and a half years has since elapsed, the interests of justice would be served by permitting the Petitioner to consider its administrative exigencies and thereafter apply the Policy of 2024 in case it intends to transfer the Respondent.

6. Thus by clarifying that this Court has not examined the aforesaid challenge raised on merits and with liberty to consider the matter afresh in the light of the Policy of 2024, the Writ Petition is disposed of.

7. Rule is made disposed of in above terms with no order as to costs.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)