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

PUBLIC INTEREST LITIGATION (L) No. 112 OF 2015

Vijay Vitthal Kale and Ors.

....Petitioners

Vs.

The State of Maharashtra and Ors.

.....Respondents

Mr.Ajay Tripathi for Petitioners

Mr.D.A. Nalavade – Government Pleader a/w. Mr. B.B. Sharma-AGP
for Respondent State

CORAM : V. M. KANADE &

Dr. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : OCTOBER 9, 2015

P.C. :

1. We have heard the learned counsel appearing on behalf of the Petitioners and the learned Government Pleader appearing on behalf of the State.

2. The Petitioners are challenging the extension which has been given to Respondent No.8 which according to the Petitioners is an illegal extension and is contrary to the provisions of the Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Maharashtra Act XXIV of 2014), more particularly of section 22 N (1).

3. In our view, the said Act vests a discretion in the State Government and it is specifically stated in section 22 N of the said Act

that it is the duty of the Government to ensure that the Government work is not adversely affected on account of large scale transfers of Police Personnel.

4. Therefore, taking into consideration this fact of taking the impugned decision, we are not inclined to interfere with the said administrative decision taken by the State. In our view there is no substance in the submissions made by the learned counsel for the Petitioners.

5. We must note here that one Mukesh Gupta had filed a petition seeking similar reliefs in Writ Petition (L) No. 2399 of 2015 and he was represented by the same advocate, who has appeared before us. The said writ petition was allowed to be withdrawn. It is obvious that an attempt is made only to put another petition before another Bench, if first petition was not entertained. Hence, the PIL is dismissed.

6. The learned Government Pleader has submitted that the petition may be dismissed with exemplary costs.

7. We are of the view that taking into consideration the conduct of the petitioners of filing these frivolous petitions, heavy costs have to be

imposed. The Petitioners are directed to pay Rs.50,000/- as costs, to be paid to the Police Welfare Fund. If the same amount is not paid, the same may be treated as arrears of land revenue.

[Dr. SHALINI PHANSALKAR-JOSHI, J.]

[V. M. KANADE, J.]

Vaishali Tikam