

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3188 OF 2015

[Suresh Pundalik Wasnik .vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.P. Bhongade, counsel for the petitioner,
Shri N.R. Rode, AGP for the respondent no.1,
Shri A.D. Mohgaonkar, counsel for the respondent no.2,
Shri M.R. Pillai, counsel for the respondent no.3.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : SEPTEMBER 01, 2015.

Heard.

By this petition, the petitioner impugns the order of his transfer, dated 16.5.2015 transferring the petitioner from Koradi sub-center to Mouda sub-center.

The petitioner was working as a Security Guard in Koradi sub-center and by the impugned order, the petitioner was transferred to Mouda sub-center of N.T.P.C. Though the transfer order depicts the petitioner has been transferred on administrative ground, according to the petitioner, the petitioner has been transferred as the respondent-board suspects that the petitioner has committed theft.

The facts averred in the writ petition have been denied by the respondents. The petitioner was permitted to join the place of transfer on 2.6.2015 and the petitioner has joined at Mouda N.T.P.C. Sub-station. The case of the petitioner that the petitioner has been transferred in view of the alleged theft committed by the petitioner, is seriously disputed by the respondent no.1. It is stated that the petitioner has been transferred only on administrative ground. It is also brought to the notice of this court that in view of Clause No.15 of the Private Security Guard (Regulation of Employment and Welfare)

Scheme framed in 2002, a Security Guard could be transferred every year. The issue, whether the petitioner was transferred in view of the allegation of theft, cannot be decided in exercise of the writ jurisdiction. If the petitioner is of the view that a punishment has been inflicted on the petitioner by transferring him, the petitioner ought to have filed an appeal before the Chairman under the provisions of Clause 35 of the Scheme. Also, we find that the petitioner has not joined the person, who has been transferred in the place of the petitioner to Koradi sub station, as party respondent to this petition.

In the circumstances stated hereinabove, the writ petition is dismissed, with no order as to costs.

JUDGE

JUDGE

Gulande