

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 3403 OF 2016**

Sunil Dattatraya Patil	..	Petitioner
versus		
State of Maharashtra & Ors.	..	Respondents

Mr. Y. S. Jahagirdar – Senior Advocate with N. V. Bandiwadekar i/b.
Mr. Sagar Mane for petitioner.

Mr. A. I. Patel – AGP for respondent nos. 1 and 2.

Mr. Sanjay Kshirsagar for respondent no. 3.

**CORAM: D. H. WAGHELA, C. J. AND
M. S. SONAK, J.
DATE : 01 APRIL 2016**

P.C.:

1] Heard Mr. Y. S. Jahagirdar, learned Senior Advocate for the petitioner, Mr. A. I. Patel, learned AGP for the respondent nos. 1 and 2 and Mr. Sanjay Kshirsagar, learned counsel for the respondent no. 3

2] The challenge in this petition is to the order dated 10 March 2016 made by the Maharashtra Administrative Tribunal (MAT) allowing the original application no. 609 of 2015, instituted by respondent no. 3. By the impugned order, MAT has set aside transfer order dated 23 July 2015, by which respondent no. 3 was transferred from Bibvewadi Police Station to Traffic Branch as well as the consequent transfer of the petitioner from Crime Branch to Bibvewadi Police Station, Pune vide transfer order dated 21 July 2015. The petitioner, who was

impleaded as a respondent in original application no. 609 of 2015 claims to be aggrieved because the transfer order dated 21 July 2015, by which, he was transferred to Bibvewadi Police Station, has been struck down.

3] The impugned order made by MAT records that the transfer orders were midterm. MAT did not find favour with the explanation offered by respondent nos. 1 and 2 to the effect that the transfer orders were in public interest or on account of any administrative exigencies. Further, MAT also noted that in affidavit filed by and on behalf of respondent nos. 1 and 2 no defence was raised that the transfer was in contemplation of disciplinary proceedings. In any case, MAT has noted that the impugned transfer order was issued on 23 July 2015 and the preliminary inquiry itself concluded on 11 August 2015. On these basis, MAT disbelieved the defence that the impugned transfer order was made in contemplation of disciplinary proceedings.

4] Mr. Jahagirdar, the learned Senior Advocate has however submitted that there was material on record which would establish that disciplinary proceedings were in fact in contemplation. At the behest of the petitioner, we are not prepared to accept this justification. The State, it appears has accepted the impugned order made by MAT. Even otherwise, the record does not indicate that the impugned transfer order was made in contemplation of any disciplinary proceedings. Upon quashing of the impugned transfer order, consequential orders of quashing the transfer order issued to the petitioner herein has been quashed and there is no jurisdictional error in the making of the impugned order. Besides, the petitioner has merely been transferred from one police station to the other in Pune itself. At the behest of the petitioner therefore, there is really no case

made out to interfere with the impugned order made by MAT. There is no jurisdictional error or perversity in the impugned order made by MAT.

5] Accordingly, this petition is dismissed.

CHIEF JUSTICE

(M. S. SONAK, J.)

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