

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11318 OF 2019

The State of Maharashtra. ...Petitioner.
Versus
Kiran Vishnu Patil. ..Respondent.

Ms. R. M. Shinde, AGP for the Petitioner – State.
Mr. G. A. Bandiwadekar for the Respondent.

Coram : RANJIT MORE &
M. S. KARNIK, JJ.
Date : **November 7, 2019.**

P. C. :

1. Heard Ms. Shinde, learned AGP for the Petitioner-State and Mr. Bandiwadekar, learned counsel for the Respondent.
2. The State is challenging the order dated 23rd September 2019 passed by the Maharashtra Administrative Tribunal [for short “MAT”] in Original Application No. 39 of 2019. By the said order, the said OA filed by the Respondent is allowed and the impugned transfer orders dated 25th January 2018 and 20th June 2018 are quashed and set aside. By the order dated 25th January 2018, the Respondent was transferred from Turbhe to Control Room and by the order dated 20th June 2018, the Respondent was transferred from Navi Mumbai Commissionerate to Mumbai Commissionerate. Both these orders are quashed and

set aside and the Petitioner is directed to be restored to the post.

3. The Respondent being in the cadre of Assistant Commissioner of Police, falls in section 22N(a) of the Maharashtra Police Act, which provides that the ACP shall have normal tenure of two years at one posting. The Respondent was posted as ACP at Turbhe on 3rd January 2017. On 25th January 2018, Respondent was transferred from ACP, Turbhe to ACP, Control Room under Navi Mumbai Commissionerate. This order was challenged by the Respondent before MAT by filing Original Application No.136 of 2018. During the pendency of this OA, the Respondent was transferred by the order dated 25th January 2019 from ACP Control Room, Navi Mumbai Commissionerate to Mumbai Commissionerate.

4. In terms of the provisions of section 22N(a) of the Maharashtra Police Act, the Respondent was entitled to complete tenure of two years at one place of posting. The impugned order of the transfer is in breach of the provisions of the said section. Having considered the rival submissions and having gone through record and proceeding, we do not find any reason to interfere with the impugned order. The MAT has considered the relevant provisions and came to the conclusion that the

Respondent was transferred mid-term without there being any reason in support of the same. The writ petition is without any merit and the same is accordingly dismissed.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]