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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3767 OF 2024**

Sangram Atmaram Shewale and Ors. Petitioners.
V/s
The State of Maharashtra and Ors. Respondents.

Mr. Sandeep Dere for the Petitioners.
Mr. N.C. Walimbe, Addl. G.P. a/w Mrs. Priyanka B. Chavan, AGP for
Respondent Nos. 1 to 3.

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 18th MARCH, 2024

P.C.:-

1] Leave granted to place on record the order dated 14/03/2024 passed by the learned Member of the Maharashtra Administrative Tribunal in Original Application No.334 of 2024. Leave is also granted to amend the prayer clause in the writ petition. Amendment be carried out forthwith.

2] The Petitioner approached the Maharashtra Administrative Tribunal seeking to raise a challenge to the order dated 04/03/2024 passed by the Additional Director General of Police (Establishment), thereby cancelling the earlier order dated 30/01/2024 in the matter of

transfer of various police officers including the Petitioners. It is the case of the Petitioners that the said Original Application was listed before the Tribunal on 07/03/2024 when the prayer for interim relief was considered. The Petitioners were awaiting the order on the said Application since they were informed that such relief was not granted. Since the order dated 04/03/2024 was also the subject matter of challenge before the Nagpur Bench of the Tribunal in Original Application Nos. 208/2024 to 211/2024 and the interim order dated 06/03/2024 was passed therein, the Petitioners have filed this writ petition on 13/03/2024 raising the grievance that the order stated to have been passed on 07/03/2024 was not made available.

3] On 14/03/2024, the matter was adjourned to 18/03/2024 since it was submitted that the order of the Tribunal would be made available in the meanwhile. Today, the learned Counsel for the Petitioners tendered a copy of the order dated 14/03/2024 passed in Original Application No.334 of 2024 wherein prayer for interim relief has been refused. He submits that this order was uploaded on 14/03/2024.

4] We have perused the order dated 14/03/2024. Prima facie, we find that the observations in paragraph 9 that the initial transfer order dated 30/01/2024 as well as subsequent order dated 04/03/2024 may not have been placed before the Tribunal at Nagpur does not appear to be correct for the reason that the order dated 06/03/2024 passed by the Tribunal at Nagpur in Original Application Nos.208/2024 to 211/2024 specifically refers to these orders as well as the fact that the order dated 04/03/2024 itself was under challenge.

5] Be that as it may, we find that the Petitioners' Original Application is pending before the Maharashtra Administrative Tribunal. Notwithstanding the challenge raised to the order dated 04/03/2024, we are of the view that following directions would serve the ends of justice :-

(i) The Petitioners are at liberty to pursue Original Application No.334 of 2024 on merits before the Tribunal. They are also free to rely upon the orders passed by the Nagpur Bench in Original Application Nos. 208/2024 to 211/2024

wherein similar challenge has been raised.

(ii) Since the order dated 04/03/2024 itself is under challenge, we may only observe that any steps taken by the Petitioners in obedience to the order dated 04/03/2024 shall not be construed as a factor against them. Any steps taken by them would be subject to the final outcome of Original Application No.334 of 2024.

(iii) The Tribunal is requested to expeditiously consider the said Original Application on its own merits and in accordance with law. Keeping all points on merit open, this writ petition is disposed of.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]