

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15231 OF 2024
ALONG WITH
INTERIM APPLICATION NO.407 OF 2025

Kondiram Namdeo Patil,	]	
Senior Police Inspector,	]	.. Petitioner /
Karad City Police Station, Dist. Satara	]	Applicant

Versus

1. The State of Maharashtra,	]	
Through Home Department	]	
2. The Superintendent of Police, Satara	]	
3. Chief Electoral Officer,	]	
Maharashtra State	]	
4. Raju Ananda,	]	
Tahsildar, Karad, Dist. Satara	]	.. Respondents

Mr. Vivek V. Salunke with Mr. Sumant R. Deshpande, Advocates for the Petitioner-Applicant.

Mr. Shahji Shinde, 'B' Panel Counsel with Mr. N.K. Rajpurohit, Assistant Government Pleader for Respondent Nos.1 to 3.

CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ

DATE : 2ND APRIL 2025.

PC. :

1. Heard learned counsel for the parties.
2. The challenge raised in this writ petition is to the order dated 23rd October 2024 passed by the Maharashtra Administrative Tribunal, Mumbai allowing Review Application No.12 of 2024 preferred by the respondent

no.2-Superintendent of Police seeking review of the order dated 15th October 2024 passed by the Maharashtra Administrative Tribunal in Original Application No.1337 of 2024.

By an order dated 12th October 2024, the services of the petitioner came to be transferred from Karad City Police Station to Cyber Police Cell, Satara. The transfer order was issued in view of Clause 6(V) of the Circular dated 31st July 2024 issued by the Election Commission of India. The petitioner being aggrieved by the said order of transfer, approached the Maharashtra Administrative Tribunal by filing Original Application No.1337 of 2024. By order dated 15th October 2024, the Original Application was allowed. The order of transfer dated 12th October 2024 came to be set aside. The Superintendent of Police however sought review of the said order. The Tribunal on 23rd October 2024 exercised its power of review and recalled its earlier judgment dated 15th October 2024. As a result, the petitioner's transfer order dated 12th October 2024 stood revived.

3. However, shortly thereafter on 6th November 2024, the petitioner was placed under suspension pending disciplinary proceedings. Subsequently, on 3rd January 2025, the order of suspension came to be revoked. Thereafter on 24th January 2025, the petitioner was posted on a non-executive post pending the enquiry. The petitioner therefore filed

Interim Application No.407 of 2025 seeking to bring on record the aforesaid aspects.

4. We have heard Mr. Vivek Salunke, learned counsel for the petitioner who submits that the order of suspension dated 6th November 2024 and subsequent order of posting of the petitioner on a non-executive post have been issued only to frustrate the petitioner's challenge to the review order dated 23rd October 2024. According to him, such actions indicate colourable exercise of power by the respondents. As regards the initial order of transfer dated 12th October 2024, it is submitted that the same had been passed in breach of the provisions of Section 22-H of the Maharashtra Police Act, 1951 without consulting the Police Establishment Board.

5. The aforesaid contentions are opposed by Mr. Shahji Shinde, learned Assistant Government Pleader by submitting that the subsequent orders of suspension and placement on a non-executive post can be challenged before the Tribunal. Insofar as the initial order of transfer dated 12th October 2024 is concerned, challenge to the same is now rendered academic.

6. Having considered the submissions as urged, it is evident that after the Tribunal exercised its power to review on 23rd October 2024 and

recalled its order passed in Original Application No.1337 of 2024, subsequent events in the form of petitioner's suspension order dated 6th November 2024 and his posting on a non-executive post on 24th January 2025 have taken place. In our view, these orders would be required to be independently challenged by the petitioner by approaching the Tribunal. In view of these subsequent events, in our view, the challenge to the transfer order dated 12th October 2024 has now lost its significance inasmuch as setting aside of the order of transfer dated 12th October 2024 would not have the effect of placing the petitioner in the same position as he was prior to issuance of the transfer order dated 12th October 2024. Unless the order dated 24th January 2025 is successfully assailed by the petitioner, he cannot be granted such relief.

7. For aforesaid reasons, we are not inclined to entertain the writ petition on the ground that an alternate efficacious remedy of approaching the Tribunal is available to the petitioner. In case the petitioner avails such remedy, it is clarified that the order passed on 23rd October 2024 by the Tribunal in Review Application No.12 of 2024 would not come in the way of the Tribunal in deciding such challenge independently and on its own merits. With aforesaid observations, the writ petition is disposed of as not entertained for challenging the subsequent orders.

8. In view of the above, pending Interim Application No.407 of 2025 also stands disposed of.

9. Parties to act on authenticated copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]