

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7525 OF 2025

The State of Maharashtra & Anr. ... Petitioners

Vs.

Ramesh Bamnya Tadvi & Anr. ... Respondents

Shri B. V. Samant, Addl. GP a/w Smt. R. A. Sakunkhe, AGP for the
Petitioner-State.

Mr. Chetan Patil a/w Bhushan Jadhav for Respondent No.1.

**CORAM : M.S. KARNIK &
N.R. BORKAR, JJ.**

DATE : 25TH JULY 2025

P.C. :

1. Heard Learned Counsel for the parties.
2. The challenge in this Petition is to the orders dated 16th April 2025 and 9th May 2025 passed by the Maharashtra Administrative Tribunal in Original Application No.824 of 2024.
3. The order dated 16th April 2025 reads thus:-
 - "1. *Shri A. V. Bandiwadekar, learned Advocate for Applicant. Smt. K. S. Gaikwad, learned PO for Respondents.*
 2. *Learned PO refers to contents of 'Short Affidavit' dated 14.10.2024 filed by SP, Raigad' to confirm that services of Applicant who was then serving on post of 'Incharge Police Inspector' at 'Mahad Police Station' had been deployed to Control Room under establishment of 'SP, Raigad'.*

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3. *Learned PO further clarifies that in 'Affidavit-in-Reply' dated 13.08.2024 filed earlier by 'SP, Raigad' affirmation was made that the action taken in respect of deployment of Applicant from post of 'Incharge Police Inspector at Mahad Police Station' to 'Control Room' under establishment of 'SP, Raigad' was based on decision taken in meeting of 'PEB' held on 02.07.2024.*
4. *The 'Order' dated 02.07.2024 of 'SP, Raigad' though couched as outcome from exercise of 'Statutory Powers' based on recommendation made by 'PEB' but it stands out as an instance of blatant contravention of directions given by 'DGP, Maharashtra State, Mumbai' by 'Office Circular' dated 30.07.2024 which specifically prohibits resorting to such 'modus-operandi' to shift out 'Police Personnel'.*
5. *The 'Order' dated 02.07.2024 of 'SP, Raigad' to deploy Applicant from post of 'Incharge Police Inspector' at 'Mahad Police Station' to 'Control Room' directly transgresses provisions of law relating to transfer of 'Police Personnel' under 'Section 22(N) (1) and Section 22N (2) of The Maharashtra Police Act, 1951'. Hence, as it is imperative to uphold provisions of law under Section 22N(1) and Section 22N(2) of The Maharashtra Police Act, 1951 which only enables transfers of 'Police Personnel' and to instill higher sense of duty based on stringent observance of instructions issued by 'DGP, Maharashtra State, Mumbai', it is necessary to direct 'SP, Raigad' to withdraw within 'One Week' the 'Order' dated 02.07.2024 regarding deployment of Applicant from post of 'Incharge Police Inspector' at 'Mahad Police Station' to 'Control Room' under establishment of 'SP, Raigad'.*
6. *The post of 'Incharge Police Inspector, Mahad Police Station' had been directed to be kept vacant by 'Interim Order' dated 08.07.2024. So, after 'Order' dated 02.07.2024 is withdrawn by 'SP, Raigad', the Applicant to immediately join back on post of 'Incharge Police Inspector, at Mahad Police Station'.*
7. *The 'SP, Raigad' to submit Compliance Report by 30.04.2025.*
8. *S.O. to 30.04.2025."*

4. The order dated 9th May 2025 reads thus:-

- "1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. *The 'Superintendent of Police, Raigad' was by Order dated 16.04.2025 directed to take action within One Week to relieve Applicant from 'Control Room', so as to enable him to join back on earlier post of 'Incharge Police Inspector' at 'Mahad Police Station'. However, complete apathy is observed on part of 'Superintendent of Police, Raigad' to implement 'Orders' dated 16.04.2025.*
3. *The Superintendent of Police, Raigad during course of hearing was given several opportunities to take remedial action about case of Applicant in observance of specific instructions in 'Circular' dated 30.07.2024 of 'DGP Maharashtra State, Mumbai'.*
4. *The Compliance Report, about implementation of directions given by Order dated 16.04.2025 had been sought from 'Superintendent of Police, Raigad' on 09.05.2025. However, today further period of 'Two weeks' has been sought by 'Superintendent of Police, Raigad'. No further time can be granted to 'Superintendent of Police, Raigad' to implement directions in Order dated 16.04.2025. Hence, in peculiar situation which has arisen only due to nonchalant attitude of 'Superintendent of police, Raigad', it is necessary to seek indulgence of 'DGP Maharashtra State, Mumbai' for implementation of the direction in Order dated 16.04.2025.*
5. *The 'DGP Maharashtra State, Mumbai' would be expected to ensure that Order dated 16.04.2025 is invariably implemented by 'Superintendent of Police, Raigad' latest by 21.05.2025.*
6. *The 'DGP Maharashtra State, Mumbai' is further informed to institute 'Fact Finding Enquiry' at level of 'Additional DG (Establishment and Training)' to ascertain for what good reasons specific instructions in Circular dated 30.07.2024 of 'DGP Maharashtra State, Mumbai' were brazenly disobeyed by 'Superintendent of Police, Raigad' to pass Order dated 02.07.2024 for deployment of services of Applicant from post of 'Incharge Police Inspector' at 'Mahad Police Station' to 'Control Room'.*
7. *The 'DGP Maharashtra State, Mumbai' based on the findings in 'Enquiry Report' of Additional DG (Establishment and Training) would be expected to convey them to 'Superintendent of Police, Raigad' along with stringent 'Letter of Displeasure'.*
8. *The DGP Maharashtra State, Mumbai to ensure that copy of 'Enquiry Report' and 'Action Taken Report' are submitted at the time of next hearing on 16.06.2026.*

9. *S.O. to 16.06.2025.”*

5. Learned AGP for the Petitioner-State submits that the Tribunal has virtually granted final reliefs in favour of Respondent No.1 at the interim stage which is impermissible in law.

6. On the other hand, it is the submission of Learned Counsel for Respondent No.1 that the order dated 16th April, 2025 is final order.

7. We find that on the basis of a report of a committee comprising of the Superintendent of Police, Raigad, Additional Superintendent of Police, Raigad and Deputy Superintendent of Police (Head Quarter) and in view of serious allegations levelled against respondent No.1, the Superintendent of Police passed an order dated 2nd July 2024 deploying Respondent No.1 to the Control Room, Raigad from his place of posting as a Police Inspector of the Mahad Police Station.

8. Learned Counsel for Respondent No.1, while supporting the order passed by the Tribunal, submitted that there is no provision under the Maharashtra Police Act, 1951 or under any other rules or regulations for passing such orders of deployment. The Tribunal proceeded on the footing that the directions given by the DGP, Maharashtra State, Mumbai by the

office circular dated 30th July 2024 specifically prohibits resorting to such 'modus-operandi' to shift out Police Personnel.

9. The provisions of Section 22N (1) of the Maharashtra Police Act, 1951 provides that police officers in the police force shall have a normal tenure as mentioned in the said Section, subject to promotion or superannuation. The competent authority for general transfer of officers upto the rank of Police Inspector is the Police Establishment Board. In the present case, the Police Establishment Board had recommended the deployment in view of the serious allegations levelled against Respondent No.1. Respondent No.1 is deployed from his post as a Police Inspector at the Mahad police station to the Control Room.

10. Issue notice to the Respondents, returnable on **11th August 2025**. Private notice on Respondent No.2 is permitted.

11. Mr. Chetan Patil, Learned Counsel appears and waives service of notice on behalf of Respondent No.1.

12. Affidavit in Reply, if any, to be filed within a period of two weeks from today.

13. Till the next date, the impugned orders passed by the Tribunal are stayed.

14. From the order dated 21st July 2025 passed by the Tribunal, which has been pointed out to us by Learned AGP, the Tribunal has observed that the implementation of the orders has been stayed by this Court, however there is no clarity whether the hearing of the Original Application is stayed.

15. It is open for the Tribunal to proceed with the hearing of the Original Application on merits.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)