



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 3594 OF 2026

Kiran s/o Madhavrao Salve (deceased)
Through his LRs

1. Babita w/o Kiran Salve
Age : 42 years, Occ : Household,
R/o. at Rajwada Blothan,
Tq. & Dist. Nashik.
2. Vishal s/o. Kiran Salve
Age : 21 years, Occ : Education
R/o. House No.N-2, L-1/12/3,
New CIDCO Ramnagar,
Mukundwadi, Aurangabad.
3. Sahil Kiran Salve
Age : 6 years, Occ : Education,
Under guardian of petitioner No. 1
Babita w/o Kiran Salve
Age : 42 years, Occ : Household,
R/o. at Rajwada Blothan,
Tq. & Dist. Nashik.
4. Yamunabai w/o Madhavrao Salve
Age : 72 years, Occ : Household,
R/o. House No.N-2, L-1/12/3,
New CIDCO Ramnagar,
Mukundwadi, Aurangabad.

... PETITIONERS

...VERSUS...

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai - 32.
2. The Superintendent of Police
Aurangabad (Rural), Aurangabad

... RESPONDENTS

Adv. Kojagiri Madhavrao Salve for the Petitioners
Mr. A. V. Lavte, AGP for State

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATE : 28.04.2026

ORAL JUDGMENT: [Per Nitin B. Suryawanshi, J.]

. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. This petition challenges the order dated 29.01.2026 passed by the Maharashtra Administrative Tribunal (for short, "**MAT**"), Aurangabad in Transfer Application No. 26 of 2024, thereby dismissing the application.

3. Original petitioner - Kiran Madhavrao Salve, was serving as a Constable in the Police Department. In the year 2002, a departmental enquiry was initiated against him for grave misconduct namely, (i) harassment and cruelty towards his legally wedded wife (ii) contracting a second marriage during the subsistence of the first marriage without prior permission of the competent authority and (iii) conduct unbecoming of a member of a disciplined police force.

Kiran was dismissed from service by order dated 17.04.2005. The departmental appeal filed by Kiran was dismissed on 04.11.2005. Review Application also came to be dismissed on 18.10.2006, by the Director General of Police. The Home Department declined to entertain further appeal holding it to be not maintainable.

4. Kiran then applied to the Superintendent of Police on 12.06.2023 for cancellation of Departmental Enquiry. He was informed that complete record in respect of enquiry is not available. Kiran thereafter, approached this Court and filed Writ Petition No. 7052 of 2024 in person, which was transferred to MAT and was numbered as Transfer Application No. 26 of 2024. It appears that during the pendency of the Transfer Application Kiran expired and his legal heirs were brought on record. The Tribunal condoned the delay of 16 years, 08 months and 05 days caused in filing Transfer Application, however, dismissed the Transfer Application on merits. Hence the present petition.

5. Heard learned advocate for the petitioner and learned AGP for the State. Perused the record.

6. It is evident from record Criminal Case bearing RCC No. 448/2002 for offences punishable under Section 498A, 323, 504, 506 r/w 34 of Indian Penal Code was registered against the deceased Kiran and others , it ended into acquittal by judgment dated 05.09.2007.

RCC No. 1282/2002 for offences punishable under Sections 494, 495, 109 r/w 34 of Indian Penal Code filed by the first wife Smt. Sapna of deceased Kiran was dismissed for want of prosecution by order dated 06.09.2005.

Petition No. A-454 of 2001 filed by the first wife Smt. Sapna Kiran Salve, under Section 9 of the Hindu Marriage Act was dismissed by the Family Court vide order dated 20.10.2002.

7. It is matter of record that the the orders were passed either dismissing the proceedings against the deceased Kiran or acquitting him, way back in the year 2002 and 2007 and he was well aware of these facts. However, he belatedly approached the High Court only in the year 2024 seeking direction to provide him original file of his Departmental Enquiry, with a prayer that if the original file is not traced out, then the punishment imposed on him be quashed and set aside.

8. In the light of the above peculiar facts, it is clear that deceased Kiran approached the department after a delay of more than 17-18 years from the date on which punishment was inflicted upon him, which is unexplained.

9. In the Departmental Enquiry findings in respect of misconduct of deceased Kiran were recorded and the misconduct was held to be proved. It appears that the Enquiry Officer has not commented about the criminal cases as those were pending at that time.

10. In this view of the matter, we are of the view that the Tribunal is justified in dismissing the Transfer Application on the ground

of delay and laches on the part of the deceased Kiran by observing that, *"We find no procedural lacuna and even opportunity of being heard was given to the deceased employee for inflicting the punishment by respondent No. 2. After recording dissatisfaction with the explanation tendered by the deceased employee by order dated 17.12.2004 the then Superintendent of Police dismissed the deceased employee from service"*.

11. There is no procedural irregularity or error of law committed by the Tribunal while dismissing the Transfer Application. No case is made out by the petitioner to exercise extraordinary writ jurisdiction.

12. Writ Petition, being devoid of merit, is **dismissed**.

13. Rule is discharged.

[VAISHALI PATIL-JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]