

O.A. Nos. 841/2018 with C.A. No.20/2019 (S.B.)

(Jagdish S/o Dhanraj Garad Vs. State of Maharashtra & ors.)

With

O.A. Nos. 842/2018 with C.A. No.21/2019 (S.B.)

(Ambadas S/o Raoji Vaidya Vs. State of Maharashtra & ors.)

With

O.A. Nos. 843/2018 with C.A. No.22/2019 (S.B.)

(Umesh S/o Bharat Khamankar Vs. State of Maharashtra & ors.)

Coram :- Shri Anand Karanjkar, Member (J).

Dated :- 02/04/2019.

ORDER

Heard Shri P.K. Mishra, learned counsel for the applicants and Shri P.N. Warjurkar, learned P.O. for the respondents.

2. All the applications are involving same questions of fact and law, therefore, they are decided together.

3. The applicant Shri Jagdish Garad, Naik Police Constable (in O.A.841/2018), the applicant Shri Ambadas Vaidya, Driver Naik Police Constable (in O.A.842/2018) and the applicant Shri Umesh Khamankar, Police Constable (in O.A.843/2018) were posted at Police Station, Karanja. There were some complaints against them, therefore, they were immediately transferred vide order dated

06/10/2018 from Police Station, Karanja to Police Station, Allipur, Motor Transport Division, Wardha and Police Station, Dahegaon respectively. These transfer orders are challenged by the applicants in the above mentioned O.As., mainly on the ground that the applicants were not due for transfer and it was their victimization due to the mid-term transfer. The learned P.O. submitted the reply on behalf of respondent no.2 in all the matters and opposed the applications. Now it is submitted by the learned counsel for the applicants that on 20/10/2018 the Superintendent of Police (S.P.), Wardha passed the order which is at Annex-R-2-5 and by this order the impugned transfer orders are cancelled. It is submitted that the S.P., Wardha has directed that though the order of transfers are cancelled, but the applicants shall work at their respective posts till further orders.

4. My attention is also invited to the letter dated 16/03/2019 written by the S.P., Wardha. It seems that the Naik Police Constable Shri Jagdish Garad, Naik Police Constable Ambadas Vaidya are punished and their one increment is withheld for two years. Similarly, Police Constable Shri Umesh Khamankar is punished and his one increment is withheld for one year. It is informed in this letter that as the applicants have filed the respective O.As. and the applications

are pending for decision, therefore, the applicants shall work as per order dated 20/10/2018. In this regard, I would like to point out that in this matter interim relief was not given, but the impugned order of transfer was cancelled by the S.P., Wardha, therefore, there was no reason to direct the applicants to work on their respective posts. On the contrary in the order dated 20/10/2018 it was specifically mentioned that the preliminary inquiry was going on against the applicants and they shall work as per the previous order dated 06/10/2018 till completion of the inquiry. Now as the preliminary inquiry is completed, the applicants are also punished, therefore, there is no impediment. In view of this discussion, the following order.

5. The respondent no.2 is directed to relieve the applicants and permit them to join their previous posts. No order as to costs. The O.A.'s stand disposed off. The C.As. also stand disposed off.

(Anand Karanjkar)
Member(J).

Dated :- 02/04/2019.

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