

**BEFORE THE HON'BLE MAHARASHTRA ADMINISTRATIVE
TRIBUNAL MUMBAI**

CONTEMPT APPLICATION NO. _____ OF 2024

IN

ORIGINAL APPLICATION NO. 314 OF 2024

DISTRICT: PUNE

BETWEEN

Rohan S/o Chandrakant Gaikwad

... **APPLICANT**

AND

Rashmi Shukla,
The DGP of Maharashtra & others

... **RESPONDENTS**

I) PARTICULARS OF THE APPLICANT:

Rohan S/o Chandrakant Gaikwad
Age- 35 years, Occ: PSI
R/o: shri Housing Society
Flat No. 2 Bapdev Nagar
Kivale Dehu Road Pune Tal and Dist Pune.
Mob- 87932236604.

II) PARTICULARS OF THE RESPONDENTS:

- 1. Rashmi Shukla,**
The DGP of Maharashtra,
Office at- Shahid Bhagatsing Marg,
Colaba Mumbai-01.
- 2. Mr. Vinoy Kumar Choubey,**
The Commissioner of Police,
Commissioner Office,
Zone 3, Pune - Mumbai Road, Pune District,
Pimpri-Chinchwad, Maharashtra 411019.

III) PARTICULARS OF THE RELIEF:

- a) The applicant is seeking to initiate contempt proceeding against the respondent No. 1 and 2 / contemnors as they have disobeyed the directions given by this Hon'ble Court in Original Application No. 314/2024 by order dated 19.07.2024, whereby in para No. 21 of the order dated 19.07.2024 it was directed to respondents to repost back to their earlier 'Police Establishments'.
- b) The applicant says that, he has addressed various representations to respondent No. 1 and 2 / contemnors and the said representations were received by respondent No. 1 and 2 / contemnors.
- c) The applicant says that, he has addressed legal notice dated 05.09.2024 to respondent No. 1 and 2 / contemnors. Despite

legal notice respondents failed to repost the applicant at their original post nor any effective steps were taken by informing the present applicant. That, as directed by this Hon'ble Tribunal the said authority did not act as per directions of this Hon'ble Tribunal, thereby committed the contempt of Court as per judgment and order dated 19.07.2024. The copy of the judgment and order dated 19.07.2024 passed by this Hon'ble Tribunal in Original Application No. 314/2024 is annexed herewith and marked at **ANNEXURE A-1.**

IV) FACTS OF THE CASE:

1. The applicant says that, applicant is citizen of India and permanent resident of the address mentioned in the title clause, therefore, entitled for protection of law and provisions enshrined in the Constitution of India.
2. The applicant submits that, applicant joined duty in police force and time to time applicant was promoted considering his exemplary and good service record.
3. The applicant submits that, by way of transfer order dated 26.02.2024 they were transferred out of district from Pimpri Chinchwad Commissionerate Area. The applicant submits that, being aggrieved by transfer order dated

26.02.2024, they filed Original Application No. 314/2024 before this Hon'ble Tribunal Mumbai.

4. The applicant submits that, after hearing both the parties, this Hon'ble Tribunal by way of common judgment and order dated 19.07.2024 allowed the original application No. 314 /2024 filed by the present applicant.
5. The applicant submits that, the respondent authorities including respondent No.2 effected transfers of several Police Inspectors in connection with ensuing General Elections to the house of people (Loksabha-2024). In accordance with the guidelines of Election Commission of India letter dated 21.12.2023 specifically as mentioned in Para No.5.3 the applicant has not completed 06 years term in one district.
6. The applicant says that, he is relieved from Pimpri Chinchwad Commissionerate Area. The applicant says that, at the time of his transfer he was working on non-executive post.
7. The applicant says that, he has addressed various representations to respondent No. 1 and 2 / contemnors

and the said representations were received by respondent No. 1 and 2 / contemnors.

8. The applicant says that, he has addressed legal notice dated 05.09.2024 to respondent No. 1 and 2 / contemnors. Despite legal notice respondents failed to repost the applicant at their original post nor any effective steps were taken by informing the present applicant. That, as directed by this Hon'ble Tribunal the said authority did not act as per directions of this Hon'ble Tribunal, thereby committed the contempt of Court as per judgment and order dated 19.07.2024. The copy of the legal Notice dated 05.09.2024 along with net tracking report are annexed herewith and marked at **ANNEXURE-A-2**.
9. The applicant say and submits that, as there were specific directions to respondents, applicant have forwarded judgment order dated 19.07.2024 passed by this Hon'ble Tribunal by way of representation seeking reposting at his earlier post by giving representations. That, respondent No. 1 and 2 / contemnors were represented by CPO MAT Mumbai and they were aware about the direction issued by this Hon'ble Tribunal in judgment and order dated

19.07.2024 passed in OA No. 314 /2024. Same was received to the respondents 1 and 2 / contemnors. That, respondent No. 1 and 2 / contemnors ignored the said representation and there is omission on the part of respondents / contemnors to decide the same till today. It also shows that, they had not paid any heed to the representation of applicant as well as order dated 19.07.2024 passed by this Hon'ble Tribunal and they failed to take positive steps by reposting applicant at his original post / non-executive post as on date of impugned transfer order.

- 10.** The applicant says that, the intention of respondent No. 1 and 2 / contemnors, who are the authority to repost applicant at their respective original post / non-executive post as on date of impugned transfer order had intentionally and willfully avoided to follow order dated 19.07.2024 wherein specific directions were issued to repost the applicant at Pimpri Chinchwad Commissionerate Area and deadline to repost applicant before **15.08.2024** is also over. And there is no stay to judgment and order dated 19.07.2024 passed in O.A. No. 314 /2024.

- 11.** The applicant says that, respondent 1 and 2 / contemnors had willfully disobeyed the order dated 19.07.2024 and directions therein even after receipt of applicant's representation along with copy of judgment and order dated 19.07.2024 passed in O.A. No. 314 /2024 had infringed the fundamental and legal right of the applicant.
- 12.** The applicant says that, there is gross contempt of this Hon'ble Tribunal's directions in as much as there is no ambiguity in the directions issued by this Hon'ble Tribunal. The contemnors ought to have issued appropriate orders on the next date itself in compliance of the directions of this Hon'ble' Tribunal. Therefore, going by the principles of the Judgment of this Hon'ble Tribunal and provisions of Contempt of Courts Act, the respondents / contemnors willfully disobeyed the explicit directions given by this Hon'ble Tribunal.
- 13.** The applicant says that, the respondent No.1 and 2 / contemnors even after receiving of legal notice issued to contemnors on 05.09.2024, still intentionally had not complied with the order of this Hon'ble Tribunal. The respondents blatantly avoided implementing the order of

this Hon'ble Tribunal. The utter disregard on part of the respondents /contemnors had caused contempt of majesty of this Hon'ble Tribunal and inaction of respondents / contemnors is in violation of order dated 19.07.2024 The applicant further says and submits that, the deliberate omission on the part of respondents / contemnors to perform their duties has not only caused loss to the applicant but also resulted in lowering down the esteem of this Hon'ble Tribunal. Therefore, appropriate action as contemplated U/Sec.12 of the Contempt of Courts Act, 1971.

14. The applicant says that, the Respondents failed to comply with the order passed by this Hon'ble Tribunal dated 19th July 2024 passed in OA No. 314 /2024. The Respondents for non-implementation of the order dated 19th July 2024 amount to be contempt on the part of Respondents as the Respondents failed to comply with the order and directions, therefore, this Hon'ble Tribunal is required to initiate contempt action against the Respondents, hence this Contempt Application.

15. **THEREFORE, APPLICANT PRAYED THAT:**

- a)** This Hon'ble Court may kindly initiate Contempt Proceedings against the respondents No. 1 and 2 / contemnors and punish them as provided U/Sec. 12 of the Contempt of Court Act, 1971 for willful and intentional disobedience of the directions given by this Hon'ble Tribunal in Original Application No. 314 /2024 vide order dated 19.07.2024 within the stipulated time granted by this Hon'ble Tribunal.
- b)** Cost of present application be provided for.
- c)** Any other suitable and equitable relief may kindly be granted in favour of the Applicant.

Date: ____/09/2024
Place: Mumbai.

Prashant M. Nagargoje
Vishnu B. Narke
Advocate for applicant

VERIFICATION

I, Rohan S/o Chandrakant Gaikwad Age- 35 years, Occ: PSI R/o: shri Housing Society Flat No. 2 Bapdev Nagar Kivale Dehu Road Pune Tal and Dist Pune Tal and Dist Pune, do hereby state on oath and solemn affirmation that, all contents and paras of this contempt application & prayers made therein are true and correct to the best of my personal knowledge, information and belief. All contents are read over and explained in Marathi language to me by my Advocate.

Hence, it is signed and verified on this ____ day of September 2024 at Chh. Sambhajnagar.

Identified and
Explained by

DEPONENT

(Rohan S/o Chandrakant Gaikwad)

Prashant M. Nagargoje
Vishnu B. Narke
Advocates

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... **RESPONDENTS**

S Y N O P S I S

SR. No.	Date	Particulars of events.
1.	19.07.2024 OA No. 314 /2024	By way of this contempt application the applicant is seeking to punish respondent No. 1 and 2 / contemnors for willful and intentional disobedience of Judgment and order dated 19.07.2024 passed by this Hon'ble Tribunal in O.A. No.314 /2024.
2.		This Hon'ble Tribunal in its operative order directed respondent No. 1 and 2 to repost applicant at his original post / non-executive post as on date of impugned transfer.
3.		Immediately after judgment and order dated 19.07.2024 the applicant forwarded representations along with copy of judgment and order dated 19.07.2024 passed in OA No. 314 /2024

		to comply with the direction given by the Hon'ble Tribunal Mumbai.
5.	05.09.2024	Again, applicant forwarded legal Notice dated 05.09.2024 to the respondents No. 1 and 2 contemnors to comply with the order by pointing out that contempt has been committed by them. Still, till today there is no action taken by respondents / contemnors to obey the order passed by this Hon'ble Tribunal.
6.	--	Hence, this contempt application.

POINTS FOR CONSIDERATION:

- (i) Whether the respondent No. 1 and 2 intentionally and willfully had disobeyed to comply with the directions issued by this Hon'ble Tribunal vide Judgment and order dated 19.07.2024 passed in O.A. No. 314 /2024.
- (ii) Whether the respondent No.1 and 2 required to be punished as provided under Contempt of Courts Act by initiating process against them immediately.

ACT AND RULES TO BE REFERRED:

1. Administrative Tribunal Act
2. Contempt of Courts Act, 1971

AUTHORITIES TO BE CITED:

Date: ____ /09/2024
Place: Mumbai

(Prashant M. Nagargoje)
Vishnu B. Narke
Advocates of the Applicant

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4.	The copy of the legal Notice dated 05.09.2024 along with net tracking report.	"A-2" Colly	To
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Date: ____ /09/2024
Place: Mumbai

(Prashant M. Nagargoje)
Vishnu B. Narke
Advocates of the Applicant

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2.	The copy of the legal Notice dated 05.09.2024 along with net tracking report.	"A-3" Colly	To
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Date: ____ /09/2024

Place: Mumbai

(Prashant M. Nagargoje)

Vishnu B. Narke

Advocates of the Applicant