IN THE SUPREME COURT OF INDIA

ORDINARY CIVIL JURISDICTION

WRIT PETITION (CIVIL) NO	_ OF 2021
IN THE MATTER OF:	
PARAM BIR SINGH	PETITIONER
VERSUS	
STATE OF MAHARASHTRA & ORS	RESPONDENTS
WITH	
I.A. NO OF 2021	

AND

APPLICATION FOR INTERIM RELIEF

I.A. NO. ____ OF 2021

APPLICATION FOR EXEMPTION FROM OFFICIAL TRANSLATION OF ANNEXURES

PAPER BOOK

(FOR INDEX SEE INSIDE)

ADVOCATE FOR THE PETITIONER: MR. ABHINAY

RECORD OF PROCEEDINGS

S.No. DATE OF RECORDING OF PROCEEDINGS PAGE

Dy. No./2021

DECLARATION

All defects have been duly cured. Whatever has been added / deleted / modified in the petition is the result of curing of defects and nothing else. Except curing the defects, nothing has been done. Paper books are complete in all respects.

Signature: -----

Advocate-on-Record

Mr. Abhinay

AOR Code: 3080

Contact No.: 9899272882

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PROFORMA FOR FIRST LISTING

SECTION:

	case pertains to (Please		
tick/check the correct box):			
Central Act:		Constitution Of India	
Sect	ion :	Article 14, 21	
Cent	ral Rule :	INDIAN Police Service (Cadre) Rules, 1954	
Rule	No(s):	Rule 7	
	e Act:	Maharashtra State Police Act, 1951	
Sect	ion:	Rule 22N	
State	e Rule:	N/A	
Rule	No(s):	N/A	
Impu	igned Interim Order:	N/A	
Impu	igned Final Order/Decree:	17.03.2021	
High	Court:	N/A	
Nam	es of Judges:	N/A	
Tribu	ınal/Authority:	N/A	
1.	Nature of matter:	CIVIL	
2.	(a) Petitioner/appellant No.	PARAMBIR SINGH	
	(b) e-mail ID:		
	(c) Mobile phone number:		
3.	(a) Respondent No. 1:	State of Maharashtra	
	(b) e-mail ID:	N/A	
(c) Mobile phone number:		N/A	
4.	(a) Main category	18	
	(b) Sub classification:	1807	
5.	Not to be listed before:	N/A	
6.	(a) Similar disposed of matter	No similar matter is disposed	
	with citation, if any, & Case:	of	
	(b) Similar pending matter with	No similar matter is pending	

	case details			
7.	Criminal Matters:			
	(a) Whether accused/convict	N/A		
	has surrendered:			
	(b) FIR No.	N/A		
	Date:			
	(c) Police Station:	N/A		
	(d) Sentence Awarded:	N/A		
	(e) Period of Sentence	N/A		
	undergone including period of			
	Detention/Custody.			
8.	Land Acquisition Matters:			
	(a) Date of Section 4	N/A		
	notification:			
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	notification:			
	(c) Date of Section 17	N/A		
	notification:			
9.	Tax Matters:	N/A		
	State the tax effect:			
10.	Special Category	N/A		
	(first petitioner/appellant only):			
	Senior citizen > 65 years □ SC/ST □ Woman/child □ Disabled □ Lega			
	ase In custody			
11.	Vehicle Number (in case of	N/A		
	Motor Accident Claim matters):			

Date: 21/03/2021

MR. ABHINAY

Advocate for Petitioner Supreme Court of India Mob.: +91-989927882

AOR CODE: 3080

Email: sharmabhinay.aor@gmail.com

SYNOPSIS

The Petitioner is an IPS Officer of the batch of 1988. The Petitioner had been serving the Nation, the State of Maharashtra and the Department of Police for more than 32 years, and is recipient of prestigious awards like Khadtar Seva Medal – Naxalite Area, DGP's Insignia – 2004, Special Service Medal – 2006 and Police Medal for Meritorious Services.

The petitioner has invoked writ jurisdiction of this Hon'ble Court to seek unbiased, uninfluenced, impartial and fair investigation in the corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of Government of Maharashtra, before the evidences are destroyed. The petitioner submits that said Shri Anil Deshmukh had been holding meetings in February, 2021 at his residence with police officers including Shri Sachin Vaze of Crime Intelligence Unit, Mumbai and Shri Sanjay Patil, ACP Social Service Branch, Mumbai, bypassing their seniors and had instructed them that he had a target to accumulate Rs. 100 crores every month and had directed to collect money from various establishments and other sources.

Prior thereto, it is reliably learnt that on or about 24th/25th August 2020, one Rashmi Shukla, the Commissioner Intelligence, State Intelligence Department had brought to the notice of the Director General of Police, who in turn brought it to the knowledge of

the Addl Chief Secretary Home Department, Government of Maharashtra about corrupt malpractices in postings / transfers by Shri Anil Deshmukh based on telephonic interception. She was shunted out rather than taking any firm action against said Shri Anil Deshmukh.

Further, Shri Anil Deshmukh had been interfering in various investigations and was instructing the police officers to conduct the same in a particular manner as desired by him.

Each such act of Shri Anil Deshmukh in abuse of the official position of the Hon'ble Home Minister, whether in calling and directly instructing the police officers of lower rank such as Shri Vaze or Shri Patil for his malicious intent of extorting money from establishments across Mumbai and from other sources, or whether in interfering in the investigations & directing the same to be conducted in a particular manner, or whether indulging in corrupt malpractices in posting / transfers of officers, cannot be countenanced or justified in any democratic State. Fair CBI investigation is thus warranted in each of such acts of Shri Anil Deshmukh in abuse of the official position of the Hon'ble Home Minister.

The petitioner had brought the corrupt practices of Shri Anil Deshmukh in the knowledge of the senior leaders and the Hon'ble Chief Minister of the Government of Maharashtra. Immediately

thereafter, on 17.03.2021 an Order vide Notification of the Home Department of the Respondent No. 1 bearing no. IPS-2021/Vol.No.107/Pol-1 was issued, by virtue of which, the Petitioner herein was transferred from the post of the Police Commissioner of Mumbai to the Home Guard Department in an arbitrary and illegal manner without the completion of the minimum fixed tenure of two years.

The said transfer was maliciously effected purportedly under Section 22N(2) of the Maharashtra Police Act, 1951 with the reason that the transfer was necessitated by "administrative exigencies". It is settled law that the Orders have to stand on the reasons contained in the same and no reasons can be supplemented later.

The petitioner believes that the reason for the transfer noted by the Respondent no. 1 in its file is to ensure a free and fair investigation in the Antilia incident leading to FIR no. 35/2021 dated 25.02.2021 registered with Gamdevi Police Station as a result of a car with explosives being found at Altamount Road near Antilia, the residence of Shri Mukesh Ambani, for Bomb Scare. The said case is thereafter being investigated by the ATS and now the NIA, and said Shri Sachin Vaze, officer of Crime Intelligence Unit, Mumbai has been arrested for custodial interrogation by NIA. All necessary assistance had been rendered by petitioner's office and his officers

for the conduct of a free and fair investigation by the ATS and the NIA into the Antilia incident. It is not even case of NIA that the petitioner had in any manner obstructed in free and fair investigation by NIA. Shri Anil Deshmukh, Hon'ble Home Minister, Maharashtra has stated in an interview conducted on 18.03.2021 under the aegis of 'Lokmat' that the impugned transfer was not on administrative grounds.

The transfer of the petitioner in the aforesaid circumstances is for reasons smeared with malice, when there is no iota of material or evidence - far from proof - found or even imputed against the petitioner, and is solely based on conjectures, surmises and pure speculation, without detail of any sort against the petitioner having been noticed by anybody. Such transfer followed by adverse media publicity by said Shri Anil Deshmukh, is in violation of Article 14 and 21 of the Constitution of India, in teeth of the law laid down by this Hon'ble Court in *T.S.R. Subramanian v. Union of India*, reported in (2013) 15 SCC 732, and in clear non-compliance with the provisions of Indian Police Service (Cadre) Rules, 1954 as amended in 2014. Further, the transfer of the Petitioner is also contrary to the law laid down by this Hon'ble Court in T.P. Senkumar v. Union of India, reported in (2017) 6 SCC 801 wherein it was held that transfer of an officer from a sensitive tenure post requires serious consideration and good reasons that can be tested. The relevant portions of the judgments are extracted hereunder for ready reference:

T.S.R. Subramanian v. Union of India, reported in (2013) 15 SCC 732:

"35. We notice, at present the civil servants are not having stability of tenure, particularly in the State Governments where transfers and postings are made frequently, at the whims and fancies of the executive head for political and other considerations and not in public interest. The necessity of minimum tenure has been endorsed and implemented by the Union Government. In fact, we notice, almost 13 States have accepted the necessity of a minimum tenure for civil servants. Fixed minimum tenure would not only enable the civil servants to achieve their professional targets, but also help them to function as effective instruments of public policy. Repeated shuffling/transfer of the officers is deleterious to good governance. Minimum assured service tenure ensures efficient service delivery and also increased efficiency. They can also prioritise various social and economic measures intended to implement for the poor and marginalised sections of the society."

(Emphasis Supplied)

T.P. Senkumar v. Union of India, reported in (2017) 6 SCC 801:

"81. We are therefore clearly of opinion that the removal or displacement of any senior level officer from a tenure appointment must be for compelling reasons and must be justified by the authority concerned, if called upon to do so, on material that can be objectively tested. This is what the rule of law expects and this is what Section 97 of the Act expects — the law must be faithfully implemented in a purposive manner."

(Emphasis Supplied)

Further, Rule 7(3) of the Indian Police Service (Cadre) Rules, 1954 are extracted hereinbelow for ready reference:

"7(3) A cadre officer, appointed to any cadre post <u>shall</u> <u>hold office for at least two years</u> unless in the meantime he or she has been promoted, retired or sent on deputation outside the State or training exceeding two months."

(Emphasis Supplied)

Rule 7(5) of the Indian Police Service (Cadre) Rules, 1954 is extracted hereunder for ready reference:

"7(5) The Central Government or the State Government as the case may be, may transfer a cadre officer before the minimum specified period on the recommendation of

the Civil Services Board as specified in the Schedule annexed to these rules"

Having made such startling revelation, the petitioner is also apprehending further malicious and coercive actions against him at the instance of disgruntled Hon'ble Home Minister in abuse of his powers. While mechanically denying the contents of the letter dated 20.03.2021 submitted by the petitioner to the Hon'ble Chief Minister, Shri Anil Deshmukh has issued a Press Release threatening to initiate a defamation proceedings against the petitioner.

Hence, the present Writ Petition under Article 32 of the Constitution of India for seeking directions to safeguard fundamental rights of the petitioner and for seeking directions for impartial investigation by CBI into various corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of the Government of Maharashtra.

LIST OF DATES

1988

The Petitioner, Param Bir Singh, is an IPS Officer of the batch of 1988. The Petitioner is serving the Nation, the State of Maharashtra and the Department of Police for more than 32 years, and is recipient of prestigious awards like Khadtar Seva Medal – Naxalite Area, DGP's Insignia – 2004,

Special Service Medal – 2006 and Police Medal for Meritorious Services.

29.02.2020 The Petitioner herein was appointed as the Police

Commissioner of Mumbai. Earlier he had been

Police Commissioner of Thane.

Feb-Mar, 2021 In or about end of February, 2021, Shri Anil Deshmukh, the Hon'ble Home Minister of the Government of Maharashtra held meetings at his residence with Shri Sachin Vaze of Crime Intelligence Unit in presence of his Personal Secretary, Mr. Palande, and had expressed that he had a target to accumulate Rs. 100 crores a month. For achieving the aforesaid target, the Hon'ble Home Minsiter told Shri Vaze that there are about 1,750 bars, restaurants and other establishments in Mumbai and if a sum of Rs. 2-3 lakhs each was collected from each of them, a monthly collection of Rs. 40-50 crores was achievable. The Hon'ble Home Minister added that

the rest of the collection could be made from other sources.

A few days later, Shri Sanjay Patil, ACP, Social Service Branch, was called by the Hon'ble Home Minister at his official residence to hold discussions about the hookah parlours in Mumbai. The meeting was also attended by other officers and Shri Palande, Personal Secretary to the Hon'ble Home Minister. Two days later, Shri Patil along with DCP Bhujbal were called at the official residence of the Hon'ble Home Minister for a meeting. While ACP Patil and DCP Bhujbal were made to wait outside the Hon'ble Home Minister's cabin. Mr. Palande went inside the chamber of the Hon'ble Home Minister and after coming out took ACP Patil and DCP Bhujbal on the side. Mr. Palande informed ACP Patil that the Hon'ble Home Minister was targeting a collection of Rs. 40-50 crores which was possible through an approximate 1,750 bars, restaurants and establishments operating in Mumbai.

The petitioner was shocked to know from Mr. Vaze and Mr. Patil about the aforesaid sinister instructions and demand by the Hon'ble Home Minister.

Mid-March

2021

The petitioner had pointed out to the Hon'ble Chief Minister, the Hon'ble Deputy Chief Minister and other Senior leaders about the several misdeeds and malpractices being indulged into by the Hon'ble Home Minister.

17.03.2021

A Notification of the Home Department of the Respondent No. 1 bearing no. IPS-2021/Vol.No.107/Pol-1 was issued by virtue of which, the Petitioner herein was transferred from the post of the Police Commissioner of Mumbai to the Home Guard Department in an arbitrary and illegal manner without the completion of the minimum fixed tenure of two years.

18.03.2021

In deference to transfer order dated 17.03.2021 of

the Home Department, Govt. of Maharashtra, the petitioner took charge of the office of the Commandant General of Home Guards, Maharashtra State. Prior thereto, the petitioner had handed over charge of the affairs of the office of the Commissioner of Police, Mumbai.

18.03.2021

Shri Anil Deshmukh, Hon'ble Home Minister, Maharashtra has stated in an interview conducted under the aegis of 'Lokmat' and extensively reported, that: (a) there were serious lapses committed at petitioner's office, by the Mumbai Police and the petitioner in the investigation of the Antilia incident; (b) petitioner's serious lapses are not pardonable; and, (c) Petitioner's transfer is not on administrative grounds.

20.03.2021

The petitioner wrote a detailed letter to the Hon'ble Chief Minister regarding the lack of any truth in the statements given in media by the Hon'ble Home Minister in relation to the petitioner's transfer. The

petitioner also placed on record the evidence in the form of reproduction of text of messages exchanged with ACP Patil to lay bare the corrupt malpractices of the Hon'ble Home Minister who was having a regular practice of repeatedly calling officers to his official residence police at Dyaneshwar and giving them instructions respect of the course to be followed by them in performance of their official duties in police investigations. The Hon'ble Home Minister had been calling police officers at his official residence bypassing the petitioner and other superior officers of the Police Department to whom those respective Police Officers report to. The Hon'ble Home Minster has been instructing them to carry out assignments official and collection schemes financial transactions including as his per instructions based on his expectations and targets to collect money. The petitioner also clarified that he was being made a scapegoat to divert attention, and that the statements of the Hon'ble Home

Minister given in media were contrary to record and seem to be for extraneous and vindictive reasons. The petitioner thus apprised the Hon'ble Chief Minister of the true picture for consideration and corrective action, being fully cognizant to the retaliation that is likely against the petitioner for placing the true picture on record.

20.03.2021

While mechanically denying the contents of the letter dated 20.03.2021 submitted by the petitioner to the Hon'ble Chief Minister, Shri Anil Deshmukh has issued a Press Release threatening to initiate a defamation proceedings against the petitioner.

22.03.2021

The petitioner submits that unbiased, uninfluenced, impartial and fair investigation is immediately required in the corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of Government of Maharashtra, before the evidences are destroyed. The transfer of the petitioner in the aforesaid circumstances though claimed to be for

administrative exigencies, is for reasons smeared with malice, when there is no iota of material or evidence – far from proof – found or even imputed against the petitioner, and is solely based on conjectures, surmises and pure speculation despite no detail of any sort against the petitioner having been noticed by anybody. Such mala fide transfer is in violation of Article 14 and 21 of the Constitution of India, in teeth of the law laid down by this Hon'ble Court in T.S.R. Subramanian v. Union of India, reported in (2013) 15 SCC 732, and in clear non-compliance with the provisions of Indian Police Service (Cadre) Rules, 1954 as amended in 2014. Further, the transfer of the Petitioner is also contrary to the law laid down by this Hon'ble Court in T.P. Senkumar v. Union of India, reported in (2017) 6 SCC 801 wherein it was held that transfer of an officer from a sensitive tenure post requires serious consideration and good reasons that can be tested.

Hence, the present Writ Petition under Article 32 of

the Constitution of India for seeking directions to safeguard fundamental rights of the petitioner and for seeking directions for impartial investigation by CBI into the various corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of the Government of Maharashtra.

IN THE SUPREME COURT OF INDIA

ORDINARY CIVIL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2021

IN THE MATTER OF:

PARAM BIR SINGH

S/o Hoshiyar Singh

R/o Neelima, 15th Floor,

Next to Malabar Hill Police Station,

Mumbai, Maharashtra - 400006

...PETITIONER

Versus

1. State of Maharashtra,

Through Secretary,

Home Department,

2nd Floor, Mantralaya,

Madame Cama Road,

Hutatma Rajguru Chowk,

Mumbai-400 032.

2. Union of India

Through Secretary Home,

Ministry of Home Affairs,

New Delhi.

3. Central Bureau of Investigations

New Delhi. ...RESPONDENTS

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA SEEKING DIRECTIONS FOR IMMEDIATE UNBIASED, UNINFLUENCED, IMPARTIAL AND FAIR INVESTIGATION IN THE **VARIOUS** CORRUPT MALPRACTICES OF SHRI DESHMUKH, THE HON'BLE HOME MINISTER OF GOVERNMENT THE MAHARASHTRA, BEFORE **EVIDENCES** DESTROYED AND FOR SEEKING QUASHING AND SETTING ASIDE OF THE THE ORDER DATED 17.03.2021 BEARING NUMBER IPS-2021/VOL.NO.107/POL-1 **ISSUED** BY RESPONDENT NO. 1 AS ILLEGAL, ARBITRARY, SMEARED WITH MALICE AND THUS VIOLATIVE OF FUNDAMENTAL RIGHTS OF THE PETITIONER UNDER ARTICLE 14 AND 21 OF THE CONSTITUTION OF INDIA

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUDGES OF THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE PETITIONER ABOVENAMED

MOST RESPECTFULLY SHOWETH:

1. The petitioner has invoked writ jurisdiction of this Hon'ble Court to seek unbiased, uninfluenced, impartial and fair investigation in the various corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of Government of Maharashtra, before the evidences are destroyed. The petitioner submits that said Shri Anil Deshmukh had been holding meetings in February, 2021 at his residence with police officers including Shri Sachin Vaze of Crime Intelligence Unit, Mumbai and Shri Sanjay Patil, ACP Social Service Branch, Mumbai, bypassing their seniors and had instructed them that he had a target to accumulate Rs. 100 crores every month and had directed to collect money from various establishments and other sources. Prior thereto, it is reliably learnt that on or about 24th/25th August 2020, one Commissioner Rashmi Shukla, Intelligence, the State Intelligence Department had brought to the notice of the Director General of Police, who in turn brought it to the knowledge of the Addl Chief Secretary Home Department, Government of Maharashtra about corrupt malpractices in postings / transfers by Shri Anil Deshmukh based on telephonic interception. She was shunted out rather than taking any firm action against said Shri Anil Deshmukh. Further, Shri Anil Deshmukh had been interfering in various investigations and was instructing the police officers to conduct the same in a particular manner as desired by him. Each such act of Shri Anil Deshmukh in abuse of the official position of the Hon'ble Home Minister, whether in calling and directly instructing the police officers of lower rank such as Shri Vaze or Shri Patil for his malicious intent of extorting money from establishments across Mumbai and from other sources, or whether in interfering in the investigations & directing the same to be conducted in a particular manner, or whether indulging in corrupt malpractices in posting / transfers of officers, cannot be countenanced or justified in any democratic State. Fair CBI investigation is thus warranted in each of such acts of Shri Anil Deshmukh in abuse of the official position of the Hon'ble Home Minister.

2. The petitioner had brought the aforesaid fact in the knowledge of the senior leaders and the Hon'ble Chief Minister of the Government of Maharashtra. Immediately thereafter, on 17.03.2021 an Order vide Notification of the Home Department of the Respondent No. 1 bearing no. IPS-2021/Vol.No.107/Pol-

1 was issued, by virtue of which, the Petitioner herein was transferred from the post of the Police Commissioner of Mumbai to the Home Guard Department in an arbitrary and illegal manner without the completion of the minimum fixed tenure of two years. The said transfer was effected purportedly under section 22N(2) of the Maharashtra Police Act, 1951 with the reason that the transfer was necessitated by "administrative" exigencies". The transfer of the petitioner in the aforesaid circumstances is for reasons smeared with malice. Such transfer followed by adverse media publicity by said Shri Anil Deshmukh, is in violation of Article 14 and 21 of the Constitution of India, in teeth of the law laid down by this Hon'ble Court in T.S.R. Subramanian v. Union of India, reported in (2013) 15 SCC 732, and in clear non-compliance with the provisions of Indian Police Service (Cadre) Rules, 1954 as amended in 2014. Further, the transfer of the Petitioner is also contrary to the law laid down by this Hon'ble Court in T.P. Senkumar v. Union of India, reported in (2017) 6 SCC 801 wherein it was held that transfer of an officer from a sensitive tenure post requires serious consideration and good reasons that can be tested. Hence, the present Writ Petition under Article 32 of the Constitution of India for seeking

directions to safeguard fundamental rights of the petitioner and for seeking directions for impartial investigation by CBI into the corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of the Government of Maharashtra.

3. That, the Petitioner is an IPS Officer of the batch of 1988. The Petitioner is serving the Nation, the State of Maharashtra and the Department of Police for more than 32 years, and is recipient of prestigious awards like Khadtar Seva Medal – Naxalite Area, DGP's Insignia – 2004, Special Service Medal – 2006 and Police Medal for Meritorious Services. On 29.02.2020, the Petitioner herein was appointed as the Police Commissioner of Mumbai. Earlier, he had been Police Commissioner of Thane.

True Copy of the Aadhar Card of the Petitioner dated NIL is annexed herewith and marked as **Annexure P-1 (Pg. 50 to 50)**.

4. The Respondent No.1 herein, State of Maharashtra, through its

Home Department has issued the impugned Notification for

transfer of the Petitioner herein in an illegal and arbitrary

manner before the expiry of the minimum tenure of a period of

two years and is a 'State' within the meaning of Article 12 of the

Constitution and hence amenable to Writ Jurisdiction of this Hon'ble Court. Respondent no. 2 is Union of India. Respondent No. 3 is the Central Bureau of Investigations.

BRIEF FACTS OF THE CASE:

- 5. The brief facts leading to the filing of the present case are as follows:-
- 5.1 It is submitted that on 29.02.2020, the Petitioner was appointed as the Police Commissioner of Mumbai. During the course of the Petitioner's term as the Police Commissioner of Mumbai, he has handled various high profile cases, which are now at a very crucial junction of their respective investigations.
- 5.2 The petitioner has now reliably learnt that earlier on or about 24th/25th August 2020, one Rashmi Shukla, the Commissioner Intelligence, State Intelligence Department had brought to the notice of the Director General of Police, who in turn brought it to the knowledge of the Addl Chief Secretary Home Department, Government of Maharashtra, about malpractices in postings by Shri Anil Deshmukh, Hon'ble Home Minister in Government of Maharashtra, based on telephonic interception.

She was shunted out rather than taking any firm action against said Shri Anil Deshmukh.

- 5.3 In or about end of February, 2021, Shri Anil Deshmukh, the Hon'ble Home Minister of the Government of Maharashtra held meetings at his residence with Shri Sachin Vaze of Crime Intelligence Unit in presence of his Personal Secretary, Mr. Palande, and had expressed that he had a target to accumulate Rs. 100 crores a month. For achieving the aforesaid target, the Hon'ble Home Minsiter told Shri Vaze that about 1,750 bars. restaurants there are and establishments in Mumbai and if a sum of Rs. 2-3 lakhs each was collected from each of them, a monthly collection of Rs. 40-50 crores was achievable. The Hon'ble Home Minister added that the rest of the collection could be made from other sources.
- 5.4 A few days later, Shri Sanjay Patil, ACP, Social Service Branch, was called by the Hon'ble Home Minister at his official residence to hold discussions about the hookah parlours in Mumbai. The meeting was also attended by other officers and Shri Palande, Personal Secretary to the Hon'ble Home Minister. Two days later, Shri Patil along with DCP Bhujbal

were called at the official residence of the Hon'ble Home Minister for a meeting. While ACP Patil and DCP Bhujbal were made to wait outside the Hon'ble Home Minister's cabin, Mr. Palande went inside the chamber of the Hon'ble Home Minister and after coming out took ACP Patil and DCP Bhujbal on the side. Mr. Palande informed ACP Patil that the Hon'ble Home Minister was targeting a collection of Rs. 40-50 crores which was possible through an approximate 1,750 bars, restaurants and establishments operating in Mumbai.

- 5.5 The petitioner was shocked to know from Mr. Vaze and Mr. Patil about the aforesaid sinister instructions and demand by the Hon'ble Home Minister.
- 5.6 In or around mid-March, 2021, the petitioner had pointed out to the Hon'ble Chief Minister, the Hon'ble Deputy Chief Minister and other Senior leaders about the several misdeeds and malpractices being indulged into by the Hon'ble Home Minister.
- 5.7 Immediately thereafter, a Notification of the Home Department of the Respondent No. 1 bearing no. IPS-2021/Vol.No.107/Pol-1 was issued by virtue of which, the Petitioner herein was transferred from the post of the Police Commissioner of

Mumbai to the Home Guard Department in an arbitrary and illegal manner without the completion of the minimum fixed tenure of two years. A True Translated Copy of the said impugned Office Memorandum dated 17.03.2021 bearing number IPS-2021/Vol.No.107/Pol-1 issued by Home Department of the State of Maharashtra is annexed herewith and marked as **Annexure P-2 (Pg. 51 to 56)**.

- 5.8 In deference to the impugned transfer order dated 17.03.2021 of the Home Department, Govt. of Maharashtra, on 18.03.2021 the petitioner took charge of the office of the Commandant General of Home Guards, Maharashtra State. Prior thereto, the petitioner had handed over charge of the affairs of the office of the Commissioner of Police, Mumbai.
- On 18.03.2021, Shri Anil Deshmukh, Hon'ble Home Minister, Maharashtra has stated in an interview conducted under the aegis of 'Lokmat' and extensively reported, that: (a) there were serious lapses committed at petitioner's office, by the Mumbai Police and the petitioner in the investigation of the Antilia incident; (b) petitioner's serious lapses are not pardonable; and, (c) Petitioner's transfer is not on administrative grounds.

5.10 It is submitted that the Petitioner herein was appointed to the post on 29.02.2020 and has been transferred from the said post on 17.03.2021 which is contrary to the provisions of Rule 7 of the Indian Police Service (Cadre) Rules, 1954 which lays down that every officer "shall hold the post for at least two years". Further, it is submitted that even if an officer is sought to be transferred before the completion of the minimum period, the same can only be done on the recommendation of the Civil Services Board in accordance with Rule 7(5) of the Indian Police Service (Cadre) Rules, 1954. The Civil Services Board, before making such a recommendation for transfer of officer before the completion of minimum tenure has to record its reasons for such a decision in writing. It is submitted that the prescribed procedure has not been followed in the case of the Petitioner making the transfer arbitrary and illegal and in directed contravention of the Petitioner's rights contained under Article 14 and 21 of the Constitution of India. It is further submitted that the impugned transfer is clearly in contravention of the law laid down by this Hon'ble Court in the case of T.S.R. Subramanian v. Union of India, reported in (2013) 15 SCC 732, wherein it was directed that there should be fixed minimum tenure for civil servants to reduce political interference in the

working of civil servants. Further, the transfer of the Petitioner is also contrary to the law laid down by this Hon'ble Court in *T.P. Senkumar v. Union of India, reported in (2017) 6 SCC 801* wherein it was held that transfer of an officer from a sensitive tenure post requires serious consideration and good reasons that can be tested.

5.11 It is submitted that the decision to transfer, apart from being cryptic, was done in a hurried manner without giving any reasons. Pertinently, the impugned notification dated 17.03.2021 was issued late evening/night, the decision to transfer the Petitioner from the post of Police Commissioner of Mumbai was announced through the twitter handle of the Minister of Home, Government of Maharashtra at 4:47 P.M. The said tweet stated as follows:

"A major decision of the government. Shri Hemant Nagrale will be the new Mumbai CP. Shri Rajneesh Sheth will hold the additional post of Maharashtra DGP. Shri Sanjay Pande will handle the responsibility of the Maharashtra State Security Corporation. Paramater Bir Singh will be given the responsibility of Home Guards."

- 5.12 While the Respondent No. 1 has officially failed to set out any specific reason for removal/transfer of the Petitioner from his posting as the Commissioner of Police, Mumbai, there are various reports doing the rounds in the streamline media purportedly alleging that the Petitioner has been removed/transferred due to his alleged role in the 'Ambani Bomb Scare'.
- 5.13 A few of the relevant extracts from these media reports are extracted hereunder for ready reference:

<u>Sr.</u>	Source	Statement and URL
<u>No.</u>		
1.	The Print	"While multiple sources from the ruling parties said Singh's transfer was mainly an attempt to contain the damage caused to the government by the Waze controversy, the state government did not assign any reason for the move." https://theprint.in/india/mumbai-police-commissioner-param-bir-singh-transferred-
		days-after-sachin-waze-arrest/623589/ A copy of the news report dated 17.03.2021 published on The Print is annexed herewith and marked as Annexure P-3 (Pg. 57-61) .

2.	Times of	"In a major damage-control move after the
	India	National Investigation Agency arrested
		assistant police inspector Sachin Waze last
		week for his role in placing an explosives-
		laden vehicle outside industrialist Mukesh
		Ambani's residence, CM Uddhav
		Thackeray on Wednesday transferred Mumbai
		police commissioner Parambir Singh as DG
		(director general), home guards, considered
		an insignificant posting."
		https://timesofindia.indiatimes.com/india/dama
		ge-control-maharashtra-cm-heeds-ncp-call-
		shifts-mumbai-top-
		cop/articleshow/81557841.cms
		A copy of the news report dated 17.03.2021
		published on The Times of India is annexed
		herewith and marked as Annexure P-4 (Pg.
		62-66).
3.	Hindustan	"The Maharashtra government on Wednesday
	Times	transferred Param Bir Singh from the post of
		Mumbai Police commissioner amid the
		controversy over last month's bomb scare
		outside Mukesh Ambani's residence and
		subsequent arrest of former police officer
		Sachin Vaze."
		https://www.hindustantimes.com/cities/mumbai
		-news/param-bir-transferred-nagrale-is-
		mumbai-top-cop-101616006231920.html
	1	

		A copy of the news report dated 17.03.2021
		published on Hindustan Times is annexed
		herewith and marked as Annexure P-5 (Pg.
		67-74).
4.	The Hindu	"Mr. Nagrale, who was holding additional
		charge as State Director General of Police, got
		the Mumbai Police chief's post after the
		Maharashtra government transferred Param
		Bir Singh and posted him to the State Home
		Guard over his handling of the security scare
		outside industrialist Mukesh Ambani's house."
		https://www.thehindu.com/news/cities/mumbai/
		mumbais-new-police-chief-saved-lives-in-
		2611-terror-attacks/article34094625.ece
		A copy of the news report dated 17.03.2021
		published on The Hindu is annexed herewith
		and marked as Annexure P-6 (Pg. 75-80).
5.	Indian	"In a major fallout of the case where a Scorpio
	Express	with 20 gelatin sticks was found parked outside
		industrialist Mukesh Ambani's South Mumbai
		residence 'Antilia' on February 25, the
		Maharashtra government Wednesday
		removed 1988 batch IPS officer Param Bir
		Singh as the Commissioner of Police, Mumbai,
		and posted him as Director General, Home
		Guards."
		https://indianexpress.com/article/india/mumbai-
		police-commissioner-mukesh-ambani-sachin-

	<u>waze-7233247/</u>
	A copy of the news report dated 17.03.2021
	published on The Indian Express is annexed
	herewith and marked as Annexure P-7 (Pg.
	81 to 84).

5.14 It is submitted that the Hon'ble Minister for Home, State of Maharashtra – Mr. Anil Deshmukh has given a statement to the press stating as follows:

"NIA & ATS are investigating Sachin Waze case very professionally. Action will be taken accordingly. Param Bir Singh has been transferred from the post of Mumbai Police Commissioner so that investigation can be done without any obstruction"

A copy of the tweet dated 18.03.2021 published on the official twitter handle of the ANI is annexed herewith and marked as **Annexure P-8 (Pg85 to 85).**

5.15 On 20.03.2021, the petitioner wrote a detailed letter to the Hon'ble Chief Minister regarding the lack of any truth in the statements given in media by the Hon'ble Home Minister in relation to the petitioner's transfer. The petitioner also placed on record the evidence in the form of reproduction of text of

messages exchanged with ACP Patil to lay bare the corrupt malpractices of the Hon'ble Home Minister who was having a regular practice of repeatedly calling police officers to his official residence at Dyaneshwar and giving them instructions in respect of the course to be followed by them in performance of their official duties in police investigations. The Hon'ble Home Minister had been calling police officers at his official residence bypassing the petitioner and other superior officers of the Police Department to whom those respective Police Officers report to. The Hon'ble Home Minster has been instructing them to carry out official assignments and collection schemes including financial transactions as per his instructions based on his expectations and targets to collect money. The petitioner also clarified that he was being made a scapegoat to divert attention, and that the statements of the Hon'ble Home Minister given in media were contrary to record and seem to be for extraneous and vindictive reasons. The petitioner thus apprised the Hon'ble Chief Minister of the true picture for consideration and corrective action, being fully cognizant to the retaliation that is likely against the petitioner for placing the true picture on record.

True Copy of the letter dated 20.03.2021 issued by the Petitioner to the Hon'ble Chief Minister of Maharashtra is annexed herewith and marked as **Annexure P-9 (Pg. 86 to 93)**.

5.16 While mechanically denying the contents of the letter dated 20.03.2021 submitted by the petitioner to the Hon'ble Chief Minister, Shri Anil Deshmukh has issued a Press Release threatening to initiate a defamation proceedings against the petitioner.

True copy of the said Press Release dated 20.03.2021 issued by Shri Anil Deshmukh, Hon'ble Home Minister, is at **Annexure** P-10 (Pg. 94 to 96).

- 5.17 At the outset, the Petitioner submits that he is being merely made a scapegoat in the entire episode with oblique purposes and sinister motives, merely on speculations, conjectures and surmises.
- 5.18 That within the organizational structure of the Mumbai Police, there were vertically 5 officers between the Petitioner and Mr.
 Sachin Waze, the police officer currently under arrest and

being investigated in his alleged involvement in the 'Bomb scare' case, with whom the Hon'ble Home Minister was having direct meetings at his own residence as stated earlier. It is most respectfully submitted as follows:

- (i) Under the Commissioner of Police, Mumbai, there are 5 Joint Commissioners of Police. The matter relating to the 'Bomb Scare', relates to Joint Commissioner of Police (Crime).
- (ii) This Joint Commissioner of Police (Crime) is assisted by the Additional Commissioner of Police (ACP-Crime).
- (iii) The ACP-Crime is in turn assisted by Deputy

 Commissioner of Police (Detection) who is also of
 the rank of an IPS officer.
- (iv) Under the DCP (Detection) there is a Assistant Commissioner of Police (ACP-I Crime) who handles various teams, which are as follows:
 - (a) Extortion;
 - (b) CIU (crime intelligence unit) <u>Mr. Sachin</u>

 <u>Vaze was leading this Team</u>
 - (c) Property;
 - (d) Theft.

- 5.19 Thus, while there were vertically 5 officers between the Petitioner and Mr. Sachin Vaze, and the Hon'ble Home Minister was himself calling said Shri Vaze at his residence bypassing his seniors, it is clear that the transfer of the Petitioner is being done for motives above and beyond the purported reason of 'Bomb scare' case.
- 5.20 Further, it is most respectfully submitted that the decision to transfer the Petitioner from his posting as the Commissioner of Police, Mumbai is more of a political move with oblique purposes and sinister motives. It is submitted that the Petitioner was leading various important investigations and was at the cusp of unearthing startling discoveries.
- 5.21 For the sake of brevity, the petitioner has not reproduced the entire content of his letter dated 20.03.2021 in the instant petition, however, he craves leave to refer and rely upon the same as if the contents thereof are part and parcel of the instant writ petition.
- 5.22 It is further stated that on 22nd February 2021, a Member of Parliament i.e. Late Mr. Mohan Delkar was found dead in his

hotel Room, with a 15 page suicide note. After initial inquiries and report, the Petitioner initiated the investigation in the matter and in this regard also sought advice from Legal Cell of Police Department. The Petitioner was time and again pressurised by the Hon'ble Minister for Home, Government of Maharashtra to probe the role of certain leaders of BJP and somehow implicate them. It is submitted that there was tremendous pressure to give the entire episode a political angle. The petitioner however did not succumb to the pressure.

5.23 In view of the above, the Petitioner humbly submits that he has been made a scapegoat with oblique purposes and sinister motives.

QUESTIONS OF LAW:

- 6. The following questions of law arise for the consideration of this Hon'ble Court:
 - I. Whether immediate directions for unbiased, uninfluenced, impartial and fair CBI investigation in the various corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of Government of Maharashtra is necessitated, notwithstanding that the Government of Maharashtra has

withdrawn the consent for CBI investigation in the State of Maharashtra?

- II. Whether the impugned Transfer Order dated 17.03.2021 is violative of two judgments of this Hon'ble Court in the matter of T.S.R. Subramanian v. Union of India, reported in (2013) 15 SCC 732 and T.P. Senkumar v. Union of India, reported in (2017) 6 SCC 801 and also Articles 14 and 21 of the Constitution of India?
- III. Whether the removal of a civil servant from a post with a minimum prescribed tenure, before the expiry of such minimum tenure, makes the transfer illegal and arbitrary and thus violative of Article 14 of the Constitution of India?
- IV. Whether the impugned Notification dated 17.03.2021 directing the transfer/removal of the Petitioner from the post of Commission of Police, Mumbai is mala fide and in contravention to Section 22N of the Maharashtra Police [Amendment and Continuance] Act, 2014?
- V. Whether the State Government can transfer a police officer before the minimum tenure of two years as prescribed in the provisions of Rule 7(3) of the Indian Police Service (Cadre) Rules, 1954 without a recommendation of the Civil

Services Board as required under Rule 7(5) of the Indian Police Service (Cadre) Rules, 1954?

GROUNDS

- A. For That, the petitioner seeks urgent directions for an unbiased, uninfluenced, impartial and fair CBI investigation in the corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of Government of Maharashtra, before the evidences are destroyed.
- B. For That, the said Shri Anil Deshmukh had been holding meetings in February, 2021 at his residence with police officers including Shri Sachin Vaze of Crime Intelligence Unit, Mumbai and Shri Sanjay Patil, ACP Social Service Branch, Mumbai, bypassing their seniors and had instructed them that he had a target to accumulate Rs. 100 crores every month and had directed to collect money from various establishments and other sources.
- C. For That, prior thereto, it is reliably learnt that on or about 24th/25th August 2020, one Rashmi Shukla, the Commissioner Intelligence, State Intelligence Department had brought to the

notice of the Director General of Police, who in turn brought it to the knowledge of the Addl Chief Secretary Home Department, Government of Maharashtra about malpractices in postings by Shri Anil Deshmukh based on telephonic interception. She was shunted out rather than taking any firm action against said Shri Anil Deshmukh.

- D. For That, such acts of the Hon'ble Home Minister in calling and directly instructing the officers of lower rank such as Shri Vaze or Shri Patil for his malicious intent of extorting money from establishments across Mumbai and from other sources, interfering in the investigations and directing the same to be conducted in a particular manner, and corrupt malpractices in posting / transfers of officers, cannot be countenanced or justified in any democratic State.
- E. For That, the Government of Maharashtra has already withdrawn consent for CBI investigations into the offences within the State of Maharashtra. Therefore, there is no other equally efficacious and expedient remedy save and except seeking such directions in this writ petition filed under Article 32 of the Constitution of India.

- F. For That, the evidence such as CC TV Camera footage at the residence of Shri Anil Deshmukh, Hon'ble Home Minister in the Government of Maharashtra, may be destroyed if immediate directions to takeover the same are not issued to CBI.
- G. For That, seeking directions to safeguard fundamental rights of the petitioner and for impartial investigation by CBI into the aforesaid various corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of the Government of Maharashtra, are reliefs which can be sought under Article 32 of the Constitution of India.
- H. For That, since the investigation is being sought against the Home Minister of the State of Maharashtra, writ remedy under Article 32 has been preferred by the petitioner before the Hon'ble Apex Court rather than writ remedy under Article 226 of the Constitution of India before the jurisdictional Hon'ble Bombay High Court.
- I. For That, the petitioner is apprehending various further mala fide coercive actions prejudicing his fundamental rights guaranteed under Article 14 and 21 pursuant to the revelation

made by him and for taking s stand against powerful Home Minister of the Government of Maharashtra.

- J. For That, the impugned Transfer Order dated 17.03.2021 issued vide Notification is violative of the Petitioner's fundamental rights as guaranteed under Article 14 and 21 of the Constitution of India, 1950.
- K. For That, vide the impugned notification dated 17.03.2021, the Respondent has transferred the Petitioner from the post of Police Commissioner, Mumbai without the completion of the minimum tenure of two years as prescribed under Section 22N(1) of the Maharashtra Police [Amendment and Continuance] Act, 2014.
- For That, the provisions contained in Subsection (2) of the 22N of the Maharashtra Police [Amendment and Continuance] Act,
 2014 have been abused in violation of Article 14 and 21 of the Constitution of India in a manifestly arbitrary manner.
- M. For That, the provisions contained in Subsection (2) of the 22N of the Maharashtra Police [Amendment and Continuance] Act, 2014, if permitted to be abused in the manner as in the instant case, the same would in fact render the said provision

unconstitutional as being vague and manifestly arbitrary as per the test laid down in the case of *Shreya Singhal vs. Union of India* reported in (2015) 5 SCC 1.

N. For That, the impugned Notification dated 17.03.2021 is violative of the provisions contained in Subsection (2) of the 22N of the Maharashtra Police [Amendment and Continuance] Act, 2014 read with two judgments of this Hon'ble Court in the matter of *T.S.R. Subramanian v. Union of India,* reported in (2013) 15 SCC 732 and *T.P. Senkumar v. Union of India,* reported in (2017) 6 SCC 801. The relevant portions of the judgments are extracted hereunder for ready reference:

T.S.R. Subramanian v. Union of India, reported in (2013) 15 SCC 732:

"35. We notice, at present the civil servants are not having stability of tenure, particularly in the State Governments where transfers and postings are made frequently, at the whims and fancies of the executive head for political and other considerations and not in public interest. The necessity of minimum tenure has been endorsed and implemented by the Union Government. In

fact, we notice, almost 13 States have accepted the necessity of a minimum tenure for civil servants. Fixed minimum tenure would not only enable the civil servants to achieve their professional targets, but also help them to function as effective instruments of public policy. Repeated shuffling/transfer of the officers is deleterious to good governance. Minimum assured service tenure ensures efficient service delivery and also increased efficiency. They can also prioritise various social and economic measures intended to implement for the poor and marginalised sections of the society."

(Emphasis Supplied)

T.P. Senkumar v. Union of India, reported in (2017) 6 SCC 801:

"81. We are therefore clearly of opinion that the removal or displacement of any senior level officer from a tenure appointment must be for compelling reasons and must be justified by the authority concerned, if called upon to do so, on material that

can be objectively tested. This is what the rule of law expects and this is what Section 97 of the Act expects — the law must be faithfully implemented in a purposive manner."

(Emphasis Supplied)

- O. For That, vide the impugned notification dated 17.03.2021, the Respondent has sought to transfer the Petitioner from the post of Police Commissioner, Mumbai without the completion of the minimum tenure of two years as prescribed under Rule 7(3) of the Indian Police Service (Cadre) Rules, 1954. It is submitted that the Petitioner was appointed to the post on 29.02.2020 and has been transferred in an illegal and arbitrary manner on 17.03.2021 before the expiry of the tenure of two years only considerations political without there being upon satisfactory reasons for the necessity of such a transfer. Rule 7(3) of the Indian Police Service (Cadre) Rules, 1954 are extracted hereinbelow for ready reference:
 - "7(3) A cadre officer, appointed to any cadre post shall hold office for at least two years unless in the meantime he or she has been promoted, retired or sent on

deputation outside the State or training exceeding two months."

(Emphasis Supplied)

- P. For That, even if an officer is sought to be transferred before the completion of the minimum period, the same can only be done on the recommendation of the Civil Services Board in accordance with Rule 7(5) of the Indian Police Service (Cadre) Rules, 1954. Rule 7(5) of the Indian Police Service (Cadre) Rules, 1954 is extracted hereunder for ready reference:
 - "7(5) The Central Government or the State Government as the case may be, may transfer a cadre officer before the minimum specified period on the recommendation of the Civil Services Board as specified in the Schedule annexed to these rules"
- Q. For That, Schedule 2 of the Indian Police Service (Cadre)
 Rules, 1954 lays down that in the event an officer is proposed
 to be transferred before completion of minimum period, the
 Civil Services Board has to make a recommendation to this
 effect. It is further submitted that the Civil Services Board,
 before making such a recommendation for transfer of officer

before the completion of minimum tenure has to record its reasons for such a decision in writing. It is submitted that the prescribed procedure has not been followed in the case of the Petitioner making the transfer arbitrary and illegal and hence the same is liable to be set aside.

R. For That, the Functions of the Civil Services Board as laid out in the Schedule to the Indian Police Service (Cadre) Rules,1954 is extracted hereinbelow for ready reference:

"2. Functions

- (a) The Civil Services Board shall make recommendation for all appointments of cadre officers.
- (b) The Civil Services Board shall examine the cases of officers who are proposed to be transferred before completion of minimum period, of service as specified under sub-rules (3) and (4) of rule 7 of the Indian Police Service (Cadre) Rules, 1954.
- (c) The Civil Services Board may consider for transfer before the tenure fixed under sub-rules (3) and (4) of rule 7 of the Indian Police Service

(Cadre) Rules, 1954 based on such circumstances as it thinks fit.

(d) The Civil Services Board may recommend the Competent Authority the names of officers for transfer before completion of minimum tenure with reasons to be recorded in writing."

(Emphasis Supplied)

- S. For That, the Petitioner was transferred from his post in such mala fide, hasty, arbitrary and unreasonable manner, which is in gross violation of Article 14 and 21 of the Constitution of India and such action is liable to be set aside on this ground alone.
- T. For That, the transfer of the Petitioner is against the established principle of stability of tenure of civil servants. It is submitted that this Hon'ble Court in the case titled T.S.R. Subramanian v. Union of India, reported in (2013) 15 SCC 732, it was held that such transfers are against public interest. The transfer of the Petitioner from the post of Police Commissioner, Mumbai has been done without any justifiable reasons and only upon the whims of the political executive. It is submitted

that when there is transfer from an appointment that prescribes a minimum fixed tenure, before the expiry of such a tenure, the same has to be based on compelling reasons which can be objectively tested. The same was held by this Hon'ble Court in *T.P. Senkumar v. Union of India, reported in (2017) 6 SCC 801.* In accordance with the ratio laid down in *T.P. Senkumar(supra)* there must be cogent rational and verifiable material on record necessitating a transfer before the expiry of the minimum tenure prescribed and the such a displacement cannot be on subjective whims and fancies of those in power.

- U. For That, after his appointment as the Police Commissioner of Mumbai on 29.02.2020, the Petitioner has handled various high profile cases, and was at the cusp of unearthing startling discoveries.
- V. For That, the transfer of police officers before completion of their tenure at the whims of the political executive is indicative of excessive control by the political executive over the police, and has the inherent danger of making the police a tool for subverting the process of law, promoting the growth of authoritarianism and shaking the very foundations of

democracy. It is submitted that if transfers of police officers before the expiry of the minimum tenure are permitted in a routine manner, the independence of the police officers in performing their duties shall be affected. Therefore, it is imperative that the impugned transfer is set aside.

W. For That, within the organizational structure of the Mumbai Police, there are vertically 5 officers between the Petitioner and Mr. Sachin Waze, the police officer currently under arrest and being investigated in his alleged involvement in the 'Bomb scare' case. It is also revealed by the petitioner that Shri Anil Deshmukh, the Hon'ble Home Minister was having direct meetings with him and other officers at his residence and was directing them to accumulate a sum of about Rs. 100 Crore every month by nothing but extortion. The said fact was revealed by the petitioner to senior leaders and the Hon'ble Chief Minister. Thus, it is clear that immediately thereafter the Petitioner has been transferred vide the impugned Order claiming 'administrative exigencies', but actually for oblique purposes and sinister motives above and beyond the purported subsequent reason of 'Bomb scare' case. It is settled law that the Orders have to stand on the reasons contained in the same and no reasons can be supplemented later.

- X. For That, the decision to transfer the Petitioner from his posting as the Commissioner of Police, Mumbai vide the impugned notification dated 17.03.2021 is more of a politically influenced move by certain political parties, aggrieved by the revelation of the corrupt practices of Shri Anil Deshmukh to senior leaders and the Hon'ble Chief Minister.
 - 7. The Petitioner has no other alternative or equally efficacious remedy. The Government of Maharashtra has withdrawn the consent for investigations of offences by CBI in the State of Maharashtra. Therefore, unless directions are issued by this Hon'ble Court, there seems no possibility of unbiased, uninfluenced, impartial and fair investigation by CBI in the corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of Government of Maharashtra, before the evidences are destroyed. It is submitted that writ jurisdiction has also been invoked given the fact that the fundamental rights under Article 14 and Article 21 of the Petitioner are affected impugned Notification IPSby the no.

2021/Vol.No.107/Pol-1 dated 17.03.2021 followed by the adverse media publicity by Shri Anil Deshmukh, the Hon'ble Home Minister of the Government of Maharashtra and that the issues arising in the present case have far reaching consequences on the fundamental rights of the petitioner as well as the independence of police officers.

- 8. The Petitioner states and submits that unless the reliefs as prayed for herein are passed, the Petitioner shall suffer irreparable prejudice, harm and injury.
- That the Petitioner has not filed any other petition in any High Court or the Supreme Court of India on the subject matter of the present petition.
- The present petition is made bona fide and in the interest of justice.

PRAYER

In the facts and circumstances of the case, it is humbly prayed that this Hon'ble Court may be pleased to-

(a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No. 2 Central

Bureau of Investigation to immediately conduct unbiased, uninfluenced, impartial and fair investigation in the various corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of Government of Maharashtra;

Issue any appropriate writ, order or direction to guash and bearing IPSset aside the Order number 2021/Vol.No.107/Pol-1 dated 17.03.2021 (at Serial No. 3 thereof) passed by the Respondent No. 1 concerning the transfer of the Petitioner from the post of Police Commissioner, Mumbai as illegal and arbitrary, in violation of Articles 14 and 21 of the Constitution of India, for each of the grounds namely for being without the completion of the minimum fixed tenure of two years in teeth of the law laid down by this Hon'ble Court in T.S.R. Subramanian v. Union of India, reported in (2013) 15 SCC 732, in clear non-compliance with the provisions of Indian Police Service (Cadre) Rules, 1954 as amended in 2014, and being contrary to the law laid down by this Hon'ble Court in T.P. Senkumar v. Union of India, reported in (2017) 6 SCC 801 wherein it was held that transfer of an officer from a sensitive tenure post requires serious consideration and good reasons that can be tested;

(c) Issus appropriate orders or directions to safeguard the

petitioner from any further coercive steps apprehended in

the retaliation for laying bare the corrupt malpractices of

Shri Anil Deshmukh, the Hon'ble Home Minister of the

Government of Maharashtra;

(d) Pass any further orders and/or directions as this Hon'ble

Court may deem fit in the facts and circumstances of the

present case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN

DUTYBOUND SHALL EVER PRAY.

FILED BY:

MR. ABHINAY

ADVOCATE FOR THE PETITIONER

DRAWN BY: UTSAV TRIVEDI, ADVOCATE

DRAWN ON: 21.03.2021

FILED ON: 21.03.2021





IN THE SUPREME COURT OF INDIA CIVIL ORIGINAL JURISDICTION WRIT PETITION (CIVIL) No. of 2021)

(Writ Petition under Article 32 of the Constitution of India)

IN THE MATTER OF

PARAM BIR SINGH

...PETITIONER

versus

STATE OF MAHARASHTRA & ORS.

... RESPONDENTS

AFFIDAVIT

- I, Param Bir Singh, S/o Hoshiyar Singh, aged about 59 years, resident of Neelima, 15th Floor, Next to Malabar Hill Police Station, Mumbai, Maharashtra- 400 006, do hereby solemnly affirm and state on oath as under:-
- 1. That I am the Petitioner No. 1 in the captioned matter and aware of the contents of the above mentioned Writ Petition and as such I am fully conversant with the facts and proceedings of the case.
- 2. That I have read and understood the contents of the accompanying Writ Petition and the Applications and I state that the facts stated therein are true and correct to my knowledge and belief and nothing material has been concealed therefrom.
- 3. That the annexures filed along with the present Writ Petition are true copies of their respective originals.

DEPONENT

BEFORE ME

M. ACHARYA NOTARY BREATER BOMBAY A1-3-2021

VERIFICATION

Verified that the contents of the above mentioned Affidavit at paragraph 1-3 are true and correct to the best of my knowledge and belief. Nothing false has been stated therein and no material fact has been concealed therefrom.

Verified at Mumbai, on this 21 day of March, 2021.

DEPONENT



BEFORE ME

CMM-ChlM

I. M. ACHARYA

NOTARY

GREATER BOMBAY

21-03-2021

VALMIK. M. ACHARYA
ADVOCATE & NOTARY
541/B-3, GAJJAR NIVAS,
DR. AMBEDKAR RD., KING CIRCLA,
MATUNGA, MUMBAI - 400 019.





APPENDIX

Article 14, The Constitution of India, 1949

Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 21, The Constitution of India, 1949

Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law

Section 22N of Maharashtra Police (Amendment and Continuance) Act, 2014

22N. (1) Any Police Personnel in the Police Force shall have a normal tenure of two years on one post or office, subject to the promotion or superannuation. The Competent Authority for the general transfer shall be as follows, namely: —

Police Personnel

Competent Authority

(a)Officers of the Indian Police Service ... Chief Minister; (b) Maharashtra Police Service Officers of and above the rank of Deputy Superintendent of **Police** ... Home Minister; (c) Officers up to Police Inspector (a)Police Establishment Board No.2. (b) Police Establishment Board at Range Level. (c) Police Establishment Board at

Provided that, the State Government may transfer any Police Personnel prior to the completion of his normal tenure, if, —

- a) disciplinary proceedings are instituted or contemplated against the Police Personnel; or
- b) the Police Personnel is convicted by a court of law; or
- c) there are allegations of corruption against the Police Personnel; or
- d) the Police Personnel is otherwise incapacitated from discharging his responsibility; or
- e) the Police Personnel is guilty of dereliction of duty.
- (2) In addition to the grounds mentioned in sub-section (1), in exceptional cases, in public interest and on account of administrative exigencies, the Competent Authority shall make midterm transfer of any Police Personnel of the Police Force:

Provided that, the Competent Authority may, by general or special order, delegate its powers under this sub-section to any of its subordinate authority.

Explanation. — For the purposes of this sub-section, the expression "Competent Authority" shall mean: —

Police Personnel	
Competent Authority	
(a) Officers of the Indian	
Police Service	
Chief Minister;	
(b) Maharashtra Police Service	
Officers of and above the rank	
of Police Sub-Inspector	
Home Minister;	
(c) Police Personnel upto the	
rank of Assistant Police	
Sub-Inspector	Director
General and	
	Inspector General of
	Police

Rule 7 of Indian Police Service (Cadre) Amendment Rules, 2014

- "7. Postings.—(1) All appointments of cadre officers shall be made on the recommendation of the Civil Services Board as specified in the Schedule annexed to these rules.
- (2) All appointments to cadre posts referred to in sub-rule (1) shall be made—
- (a) in the case of a State Cadre, by the State Government; and .
- (b) in the case of a Joint Cadre, by the State Government concerned:

Provided that the Central Government or the State Government may transfer a cadre officer for the purpose of filling leave vacancies or for making temporary arrangements for a period not exceeding three months, delegate its power of making appointments to cadre posts to Heads of Departments.

- (3) A cadre officer, appointed to any cadre post shall hold office for at least two years unless in the meantime he or she has been promoted, retired or sent on deputation outside the State or training exceeding two months.
- (4) A cadre officer, appointed to any ex-cadre post shall hold office for such period as may be specified by the State Government for

that post, unless in the meantime he or she has been promoted, retired or sent on deputation outside the State or training exceeding two months.

(5) The Central Government or the State Government as the case may be, may transfer a cadre officer before the minimum specified period on the recommendation of the Civil Services Board as specified in the Schedule annexed to these rules:

Provided that the Competent Authority may reject the recommendation of the Civil Services Board by recording the reasons therefor.".

(b) for the Schedule, the following Schedule shall be substituted, namely:—

SCHEDULE

[See rule 7(1) and (5)]

1. Composition of the Civil Services Board:

Every State Government shall constitute a Civil Services Board which shall consist of-

(i) Chief Secretary Chairman

(ii) Senior most Additional Chief Secretary,or Chairman, Board of Revenue or

Financial Commissioner or an officer of equivalent rank and status

Member

- (iii) Principal Secretary or Secretary, Department of Personnel in the State Government Member Secretary
- (iv) Principal Secretary or Secretary, Home Member
- (v) Director General of (Police) Member
- 2. Functions.—(a) The Civil Services Board shall make recommendation for all appointments of cadre officers.
- (b) The Civil Services Board shall examine the cases of officers who are proposed to be transferred before completion of minimum period , of service as specified under sub-rules (3) and (4) of rule 7 of the Indian Police Service (Cadre) Rules, 1954.
- (c) The Civil Services Board may consider for transfer before the tenure fixed under sub-rules (3) and (4) of rule 7 of the Indian Police Service (Cadre) Rules, 1954 based on such circumstances as it thinks fit.

- (d) The Civil Services Board may recommend the Competent Authority the names of officers for transfer before completion of minimum tenure with reasons to be recorded in writing.
- 3. Procedure.—(a) The Civil Services Board shall seek detailed justification from the Administrative Department of the concerned State Government for the transfer of an officer before the specified tenure.
- (b) The Civil Services Board shall-
- (i) consider the report of the Administrative Department along with any other inputs it may have from other reliable sources;
- (ii) obtain the comments or views of the officer proposed to be transferred based on the circumstances presented to it in justification of the proposal;
- (iii) not make recommendation for premature transfer of Cadre Officers unless it has been satisfied itself of the reasons for such premature transfer.
- (c) The Civil Services Board shall submit a quarterly report in such Form as it thinks fit to the Central Government clearly stating the

details of officers recommended to be transferred before the minimum specified tenure and the reasons therefor:

Provided that the Competent Authority may reject the recommendation of the Civil Services Board for the reasons to be recorded in writing.





//TRUE COPY//

Transfer of officers in the cadre of Director General of Police.

Government of Maharashtra

Home Department

Government Order No: IPS-2021 / Q.No. 107/PO -1

Home Department, 2nd floor, Mantralaya,

Hutatma Rajguru Chowk, Madam Kama Road,

Mumbai- 400032

Date: March 17, 2021.

Government Order,

1. Pursuant to the provisions of Section 22 (n) (2) of the Maharashtra Police Act, the following officers of the Indian Police Service are being transferred to the place indicated in front of their name:

Sr.	Name	of	the	Present post	Post after Transfer
No	Officer				

1.	Shri. Sanjay	General	Director General of
	Pandey	Commander,	Police and
		Police	Managing Director,
		Maharashtra	Maharashtra State
		State Home	Security Corporation
		Manager	Mumbai
		Raksha Dal	
2.	Shri. Hemant	Director	Commissioner of
	Nagarale	General,	Police Mumbai City
		Judicial and	
		Technical,	
		State of	
		Maharashtra,	
		Mumbai	
3.	Shri. Parambir	Commissioner	General
	Singh Bhapose	of Police	Commander,
		Mumbai City	Maharashtra State
			Home Guard,
			Mumbai.

- 2. Also, Director General, Bribery Prevention Department. The additional charge of the post of Director General of Police, of State of Maharashtra, Mumbai is being handed over to Mr. Rajneesh Seth, Bhapose till further orders.
- Also Additional posts of Director General, Judicial and Technical, State of Maharashtra, Mumbai are being handed over to Mr. Hemant Nagarale, Bhapose till further orders.
- 4. This Government Order has been made available on the website of the Government of Maharashtra www.maharashtra.gov.in and its code is 202103171824369429. This order is being attested with a digital signature.

By order and in the name of the Governor of Maharashtra,

Sd/- Gaikwad Kailas Arjun

Deputy Secretary Government

of Maharashtra

C.C to

- Additional Chief Secretary to the Chief Minister, Ministry, Mumbai.
- 2. 2. Private Secretary to Hon'ble Minister (Home), Ministry, Mumbai.
- Hon'ble Minister of State, Private Secretary to Home (Urban / Rural), Ministry, Mumbai,
- Senior Personal Assistant to the Chief Secretary,
 Ministry, Mumbai.
- AMS (Home) Senior Self-Assistant. Home Department, Mantralaya, Mumbai,

- AMS (A. and Su.) Senior Self-Assistant, Home
 Department, Ministry, Mumbai,
- Director General and Inspector General of Police,
 State of Maharashtra, Mumbai.
- General Commander, Maharashtra State Home Guard,
 Mumbai,
- Director General, Bribery Prevention Department,
 State of Maharashtra, Mumbai.
- 10. Commissioner of Police, Mumbai City,
- Director General, Judicial and Technical, State of Maharashtra, Mumbai.
- Director General of Police and Managing
 Director, Maharashtra State Security Corporation,
 Mumbai.
- Senior Personal Assistant to Principal Secretary
 (Special), Home Department, Ministry, Mumbai.
- Additional Director General of Police, Law and Order, State of Maharashtra, Mumbai.

- Additional Director General of Police,
 Establishment, State of Maharashtra, Mumbai.
- 16. Director, Forensic Laboratory, Mumbai,
- Deputy Director General, Maharashtra State
 Home Guard, Mumbai,
- Deputy General Manager, Maharashtra State
 Security Corporation, Mumbai.
- Accountant General (Accounts and Permissibility) -1, State of Maharashtra, Mumbai.
- By all means, Home Department, Ministry,
 Mumbai.
- 21. Lending and Accounts Officer, Mumbai,
- Assistant Director, Vapose Room, Home
 Department, Mantralaya, Mumbai.
- Nivad Nasti, Karyasan Pol-1, Home Department,
 Mantralaya, Mumbai.

//TRUE TRANSLATED COPY//

ThePrint

Mumbai police commissioner Param Bir Singh transferred days after Sachin Waze arrest

Maharashtra govt appointed IPS officer Hemant Nagrale to the post of Mumbai police commissioner. Param Bir Singh will take charge of Home Guards.

MANASI PHADKE 17 March, 2021 5:48 pm IST

Mumbai: The Uddhav Thackeray-led Maharashtra government Wednesday shunted Param Bir Singh out from the post of the Mumbai Commissioner of Police (CP).

This comes days after Assistant Police Inspector Sachin Waze

— who is allegedly involved in planting of an explosives-laden

car outside industrialist Mukesh Ambani's house — was arrested.

While multiple sources from the ruling parties said Singh's transfer was mainly an attempt to contain the damage caused to the government by the Waze controversy, the state government did not assign any reason for the move.

IPS officer Hemant Nagrale was appointed to the post of Mumbai CP. Nagrale was in January appointed as the Maharashtra Director General of Police (DGP).

Singh will take charge of Home Guards. He was appointed as the Mumbai CP in March last year.

State Home Minister Anil Deshmukh announced the government's decision, without giving any reason for Singh's transfer.

"A major decision of the government. Shri Hemant Nagrale will be the new Mumbai CP. Shri Rajneesh Sheth will hold the additional post of Maharashtra DGP. Shri Sanjay Pande will handle the responsibility of the Maharashtra State Security Corporation. Param Bir Singh will be given the responsibility of Home Guards."

The NIA arrested Waze late Saturday after over 10 hours of questioning. Waze has been remanded in NIA custody till 25 March. Waze is also part of a probe by the Maharashtra Anti-Terrorism Squad into the death of businessman Mansukh Hiren, who owned the Mahindra Scorpio that was found outside Ambani's south Mumbai residence, Antilia.

Hiren was found dead in a creek in the Thane district on 5 March.

Transfer comes a day after CM met Nagrale, Singh

Since Monday, there had been a flurry of meetings between leaders of the Maha Vikas Aghadi government, comprising the Shiv Sena, Nationalist Congress Party (NCP) and Congress, over how to contain the damage caused by the controversy involving Waze and how to fix responsibility.

Maharashtra Chief Minister Uddhav Thackeray held meetings with NCP president Sharad Pawar, a group of senior ministers as well as Congress state president Nana Patole.

Across these meetings, there were talks of replacing either NCP's Deshmukh as home minister or Singh as the Mumbai CP, though there was no concrete decision, sources from across the three parties said.

Singh's transfer comes a day after Thackeray met him and Nagrale at the CM's official residence, Varsha, late Tuesday night.

Waze has the background of having been a Mumbai Police sharpshooter, who was first suspended from the force in 2004 and is facing trial under charges of murder and destruction of evidence in the Khwaja Yunus custodial death case.

Waze, who is known to be close to the Shiv Sena — having briefly joined the party in 2008 — was reinstated last year by a committee headed by Singh.

Singh, a 1988-batch IPS officer, posted Waze at the Crime Branch where he was involved in high-profile cases, including the alleged fudging of Television Rating Points involving the Arnab Goswami-led Republic TV.

(Edited by Debalina Dey)

//TRUE TYPED COPY//

THE TIMES OF INDIA

Damage control: Maharashtra CM heeds NCP call, shifts Mumbai top cop

Prafulla Marpakwar | TNN | Mar 18, 2021, 08:14 IST

MUMBAI: In a major damage-control move after the National Investigating Agency arrested assistant police inspector Sachin Waze last week for his role in placing an explosives-laden vehicle outside industrialist Mukesh Ambani's residence, CM Uddhav Thackeray on Wednesday transferred Mumbai police commissioner Parambir Singh as DG (director general), home guards, considered an insignificant posting.

He was replaced by the state's acting director general of police Hemant Nagrale (56), who took charge on Wednesday evening. In fact, CP Nagrale is senior to the new acting DGP, Rajneesh Seth—probably a first in the country.

NCP had insisted in two meetings this week with the CM that Singh be shunted out immediately in the wake of the explosives case and Mansukh Hiran murder controversy, but some Sena leaders felt that instead of the MVA government "surrendering" to leader of opposition Devendra Fadnavis, the transfer and overall reshuffle should take place during the routine police transfers in April-May. However, the NCP's view prevailed.

A senior bureaucrat told TOI that there had been delay in shifting Singh, resulting in Fadnavis "stealing the show" with his disclosures in the case in the state assembly.

Fadnavis was ahead of Maharashtra govt as Sachin Waze row grew big

Fadnavis was ahead of Maharashtra govt as Sachin Waze row grew big

The bureaucrat said it appeared that both the CM and state home minister Anil Deshmukh (of NCP) had not taken the disclosures as seriously as they should have, resulting in an embarrassment

not only for Thackeray but also for NCP chief Sharad Pawar, the architect of the MVA government.

Initially, Deshmukh, who has been blamed for inept handling of the situation, entrusted the probe to the state Anti-Terrorism Squad led by Jaijeet Singh.

Later, after Thane businessman Mansukh Hiran's body was found in a Thane creek, when Fadnavis made sensational disclosures about call data records pertaining to Waze and Hiran, which showed the two were in touch, the NIA stepped in and took over the probe into the explosives case.

The Scorpio parked outside the Ambani residence had been in possession of Hiran. The ATS is probing the murder of Hiran, and Fadnavis has now demanded the NIA take over that case too as the two cases were linked.

"During the entire episode, by and large, Deshmukh and the state home department appeared to be in the dark, while Fadnavis had the full details of the case," the bureaucrat said. Nagrale said on taking over the reins of the commissioner's post that Mumbai police were going through tough times and had suffered reputational damage, but he and the police force would work to restore the force's reputation.

The state home department had recommended Nagrale's name as the new DGP in place of Subodh Jaiswal, who has taken up a central deputation assignment.

An IPS officer of the 1987 batch, Nagrale is set to retire on October 31, 2022. Anti-corruption director general Rajneesh Seth has been given additional charge as DGP, while Parambir Singh will be DG, home guards, in place of Sanjay Pande, who has been shifted to the Maharashtra State Security Corporation, which is also considered a side posting.

Nagrale's name came up unexpectedly for the city top cop's post.

In the corridors of power, it was believed that either Rajneeth

Seth or former Pune police commissioner K Venkatesham would be the new Mumbai police chief.

//TRUE TYPED COPY//



MUMBAI NEWS

Param Bir transferred, Nagrale is Mumbai top cop

The Maharashtra government on Wednesday transferred Param Bir Singh from the post of Mumbai Police commissioner amid the controversy over last month's bomb scare outside Mukesh Ambani's residence and subsequent arrest of former police officer Sachin Vaze

By Surendra P Gangan and Faisal Malik, Mumbai

PUBLISHED ON MAR 18, 2021 12:07 AM IST

Mumbai

The Maharashtra government on Wednesday transferred Param Bir Singh from the post of Mumbai Police commissioner amid the controversy over last month's bomb scare outside Mukesh Ambani's residence and subsequent arrest of former police officer Sachin Vaze. Senior IPS officer Hemant Nagrale, holding

additional charge of Maharashtra Director General of Police (DGP), will be the new Mumbai Police commissioner and replace Singh, who has been posted to the state home guard, state home minister Anil Deshmukh said.

"State government's key decision: Shri Hemant Nagrale to become new police commissioner of Mumbai. Rajnish Sheth will be acting director-general of police. Shri Sanjay Pandey will be director general of Maharashtra State Security Corporation. Shri Param Bir Singh, will head the home guards," Deshmukh tweeted in Marathi. Nagrale is a 1987-batch IPS officer.

Although Singh, a 1988-batch officer, was transferred in a minor reshuffle of top police posts, it was clear that the ruling coalition — comprising Shiv Sena, Nationalist Congress Party (NCP) and Congress — held him responsible for the inept handling of the bomb scare, that saw explosives recovered from an SUV parked near Ambani's residence, Antilia, last month, and the death of Thane-based businessman Mansukh Hiran, which then put the

spotlight on Vaze and got the ruling Maharashtra Vikas Aghadi (MVA) in a tight spot. Vaze's Saturday arrest by the National Investigation Agency (NIA) is said to be the reason behind his sudden transfer. The transfer decision was believably taken in a meeting between chief minister Uddhav Thackeray and NCP chief Sharad Pawar on Monday itself. Over the past two days, Thackeray held several meetings with senior ministers in his cabinet and senior police officers in the state with regards to the reshuffle of top police officers. The CM also met home minister Anil Deshmukh, Nagrale, anti-corruption bureau's (ACB) director-general Rajnish Seth over a marathon meeting on Tuesday night at his official bungalow, Varsha.

On Tuesday, multiple officials had told HT that Vaze was behind the Ambani episode, which he orchestrated as part of a conspiracy to restore his reputation as a successful cop, contending that the mystery around the explosive-laden vehicle had been solved. Singh's transfer is the first major step of MVA's damage-control exercise. Initially, Thackeray and Sena ministers defended Vaze who was targeted by the opposition, the Bharatiya Janata Party (BJP), alleging his involvement. The issue snowballed into a major political controversy as NIA took over the probe and following initial investigation, arrested Vaze. Soon after the meeting between Thackeray and Pawar, the ruling parties started distancing themselves from Vaze. The leaders were also wary about the MVA's image being dented further if Singh was summoned for investigation by the NIA.

"Pawarsaheb clearly justified action against Vaze on Tuesday in Delhi and said the officer misused his position. Since these things happened under Singh's watch, it was logical that he faced the music," said a senior NCP minister.

Nagrale, who was given additional charge as DGP on January 7, also held the position of director general, legal and technical department. Nagrale hails from Chandrapur district in Vidarbha and did his schooling and college in Chandrapur and Nagpur. He

was Navi Mumbai police commissioner and has served as additional commissioner in Mumbai. He has also served in CBI between 1998 and 2002.

Shortly after taking charge, Nagrale said he will try to restore people's faith in the police force with the help of his subordinates and other staff members. "We will definitely retain the glory and pride of Mumbai Police," he said.

He added that Mumbai's police force is a reputable one and has done exceptional work during natural calamities, the 26/11 Mumbai terror attacks, floods and Covid-19 pandemic, and just because of the wrongs committed by a few policemen, the entire force cannot be held responsible.

"Some members of the Mumbai Police are facing investigation by NIA and other agencies. If they are involved in any crime they will face appropriate action. If any of those agencies write to us informing about dereliction of duty or misuse of police resources, appropriate departmental action would be taken against the erring policemen," Nagrale added.

He said the police force was going through a challenging phase and he was appointed to lead it to tide over the present situation, which has brought lot of embarrassment to the police department.

Leader of opposition, Devendra Fadnavis, meanwhile stepped up the attack on Thackeray government. Addressing a press conference in Delhi, he said the mere transfer of the commissioner would not help as the name of the "political boss" who was operating Vaze should be exposed. He also demanded that the investigation into death of Hiran should also be handed over to the NIA, since the state's anti-terrorism squad (ATS) has not been able to make progress in the death case.

Hiran was found dead in Thane creek, days after an SUV owned by him was found abandoned with gelatin sticks outside Ambani's residence on February 25. Fadnavis also alleged that because of the political patronage he received, Vaze assumed importance in the Mumbai Police force, just next to that of Mumbai commissioner. "Uddhavji had called me up in 2018, requesting for reinstatement of Vaze, but the advocate-general's advice was against it. After he was reinstated in June last year, he was many times seen next to Thackeray and other ministers. Vaze was known to be a 'recovery officer,'" he said.

Meanwhile, the controversy also led to differences between the ruling parties. According to the leaders from NCP, a few leaders from ruling parties were insisting on the removal of home minister Anil Dehsmukh, however, the NCP chief ruled out any immediate step.

Deshmukh reportedly complained to Pawar that he was not given a free hand in the home department and Sena leaders interfered in routine affairs, especially related to Mumbai Police. He tried to deflect responsibility in the Vaze controversy Deshmukh may be shifted out of the home department in a reshuffle of the state cabinet in the next few months as part of a routine change in responsibilities. State NCP chief Jayant Patil on Wednesday said Deshmukh's removal were just rumours and that one must not read much into it.

//TRUE TYPED COPY//

THEMAHINDU

MUMBAI

Mumbai's new police chief saved lives in 26/11 terror attacks

Alok Deshpande Sonam Saigal

MUMBAI, MARCH 17, 2021 23:37 IST

Hemant Nagrale spotted bag containing RDX near Taj hotel, rescued hostages and shifted injured to hospitals

Senior IPS officer Hemant Nagrale, who was on Wednesday appointed the new Police Commissioner of Mumbai, saved lives during the 26/11 terror attacks by recovering a bag containing RDX near the Taj Mahal Palace hotel in south Mumbai and shifting it to a safer place.

Mr. Nagrale, who was holding additional charge as State Director General of Police, got the Mumbai Police chief's post after the Maharashtra government transferred Param Bir Singh and posted him to the State Home Guard over his handling of the security scare outside industrialist Mukesh Ambani's house.

Mr. Singh, one of the last serving 'encounter specialists' in the Mumbai Police, was transferred within a year of his appointment. However, as the city police chief, he oversaw important cases such as fake followers of celebrities on social media, the arrest of Republic TV editor-in-chief Arnab Goswami in the architect Anvay Naik suicide case and the TRP manipulation scam involving news channels.

The 1988-batch IPS officer had played a role in bringing the rapidly worsening underworld under control in the late 1990s. As a Deputy Commissioner of Police, Mr. Singh headed one of the two special squads of encounter specialists tasked with taking strong action against gangsters. Since then he had served many prominent positions like the Thane city police chief and Director

General of the State's Anti Corruption Bureau. In 2017, when he was Thane Police Commissioner, the local crime branch arrested gangster Dawood Ibrahim's brother Iqbal Kaskar for allegedly threatening a builder.

Mr. Singh's fondness for encounter specialists was evident when he sought controversial encounter specialist Pradeep Sharma to be posted under him in Thane. As Mumbai Police Commissioner, he posted Sachin Vaze, who has been arrested by the National Investigation Agency in the Antilia bomb scare case, to the Crime Intelligence Unit.

Native of Chandrapur

Mr. Singh's successor hails from Chandrapur district of Maharashtra. A 1987-batch officer, Mr. Nagrale studied in a zilla parishad school till Class VI before moving to Nagpur to study at Patwardhan High School. After pursuing his degree in mechanical engineering, he completed his Master's in finance management at Jamnalal Bajaj Institute of Management Studies in Mumbai. Mr. Nagrale's first posting was as Assistant

Superintendent of Police in the Maiost-affected Chandrapur district from 1989 to 1992.

Mr. Nagrale was transferred to Solapur as Deputy Commissioner of Police (1992-94) and was instrumental in creating the post of the new Commissioner of Solapur. He was also credited with controlling the post-Babri Masjid communal riots in Solapur in 1992. His tenure as Superintendent of Police at Ratnagiri (1994-1996) saw him handle the controversial land acquisition problem related to the Enron/Dabhol Power Corporation.

Stint with CBI

Mr. Nagrale went on a deputation to the Central Bureau of Investigation between 1998 and 2002, and supervised and completed investigations into the ₹130-crore Bank of India case in the Ketan Parekh Scam, ₹1,800-crore Madhavpura Cooperative Bank scam and the ₹400-crore Harshad Mehta scam in 2001. He also worked on the Telgi stamp paper scam

investigation during his stint as the staff officer of S.S. Puri, who was appointed the Director General Police, Special Investigation Team, on the directions of the Bombay High Court to probe the scam. Mr. Nagrale was commended for his detailed research and scrutiny in the case.

He is also credited with spotting and inspecting a bag with RDX bag near the Taj Mahal Palace hotel during the 26/11 Mumbai terror attacks in 2008 and moving it to a safer place by summoning the Bomb Disposal Squad. He also entered the hotel with four policemen and helped remove bodies and shift the injured to hospitals. He coordinated with senior officers and rescued hundreds of people trapped inside the shopping plaza of the hotel.

During his tenure as Joint Commissioner of Police (Administration), Mumbai, he drafted the residential quarters' allotment policy, ensuring transparency in the allotment process, a move that was appreciated by the constabulary.

For a brief period in 2014, Mr. Nagrale held additional charge as Mumbai Police Commissioner. He smoothly managed the rasta roko movement and won praise from the then State Home Minister. From May 2016 to July 2018, he was posted as the Navi Mumbai Police Commissioner and controlled the Maratha reservation agitations, which was a focal point in the city.

President's medal recipient

A recipient of the President's Police Medal, Mr. Nagrale during his term as superintendent of police, CID (Crime), probed the Maharashtra Public Service Commission paper leak case and the Anjanabai Gavit multiple kidnapping and murder cases, in which the Supreme Court handed the accused the death penalty. He was elevated to the rank of Director General in 2018.

//TRUE TYPED COPY//

♦ The Indian EXPRESS

Thursday, March 18, 2021

Ambani home bomb scare, Waze mess fallout: Mumbai Police
Commissioner is shunted out

Param Bir Singh was replaced by Hemant Nagrale, a 1987 batch IPS who was holding charge as Director General of Police, Maharashtra, in addition to being the DG, Legal and Technical.

March 18, 2021 4:14:18 am

Mukesh Ambani bomb scare New Mumbai Police Commissioner
Hemant Nagrale at CP Office. (Express photo: Pradip Das)

In a major fallout of the case where a Scorpio with 20 gelatin sticks was found parked outside industrialist Mukesh Ambani's South Mumbai residence 'Antilia' on February 25, the Maharashtra government Wednesday removed 1988 batch IPS officer Param Bir Singh as the Commissioner of Police, Mumbai, and posted him as Director General, Home Guards.

Singh was replaced by Hemant Nagrale, a 1987 batch IPS who was holding charge as Director General of Police, Maharashtra, in addition to being the DG, Legal and Technical.

Rajneesh Seth, a 1988 batch IPS officer and DG, Anti-Corruption Bureau has been posted as the DGP of the state.

The reshuffle came three days after the National Investigation Agency (NIA) arrested Assistant Police Inspector Sachin Waze in connection with the Ambani terror scare case. The NIA has alleged Waze was the perpetrator of this offence.

Maharashtra Home Minister Anil Deshmukh on Wednesday evening said on Twitter Nagrale would be the new Mumbai Police Commissioner. Singh was transferred to Home Guards as DG, which is considered to be a non-executive post.

Sanjay Pandey, who was DG, Home Guards, has been posted as DG, Maharashtra State Security Corporation, a post that he was given additional charge of. Sources said Pandey, the most senior police officer in the state, applied for leave soon after the postings were announced.

Over the last two days, leaders in Maharashtra's three-party coalition Maha Vikas Aghadi have been in a flurry of meetings to decide on the course of action to be taken in the aftermath of Waze's arrest, and the damage it had brought to the credibility of the government.

The Opposition, led by former Maharashtra Chief Minister and BJP leader Devendra Fadnavis, had demanded that Singh and Home Minister Anil Deshmukh both be transferred.

"Waze, who was handling several important cases, reported directly to the Mumbai CP. In spite of this, Param Bir seemed not to know what was happening under his nose. This made matters worse for him. The entire episode did not reflect well on his handling of the force," a senior government official said.

The decision to transfer Param Bir Singh was taken Tuesday night following several meetings between Chief Minister Uddhav Thackeray and NCP chief Sharad Pawar. "However, decisions about his replacement and related transfers were being worked on over the past 24 hours," the official said.

A police officer said soon after Waze was placed under arrest late Saturday night, it was believed the government, that had defended Waze in the Assembly, would have to take some action as a face saver. While Anil Deshmukh has survived as Maharashtra Home Minister, it was clear that Singh may not last as the Mumbai Police commissioner.

In the transfers made by the government, Nagrale, the new CP, is a 1987 batch officer, Seth, who has been appointed the DGP, belongs to the 1988 batch. "While generally the DGP is of a senior batch than the Mumbai Police Commissioner, in this case, since it is just an additional charge being given, it is not a big issue," an officer said.

//TRUE TYPED COPY//



Tweet



NIA & ATS are investigating Sachin Waze case very professionally. Action will be taken accordingly. Param Bir Singh has been transferred from the post of Mumbai Police Commissioner so that investigation can be done without any obstruction: Maharashtra Home Minister Anil Deshmukh



5:23 pm · 18 Mar 2021 · Twitter Web App

//TRUE COPY//

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Annexure P9

Param Bir Singh

(I.P.S.)

15th Floor, Neelima, B.G. Kher Marg, Malabar Hill, Mumbai – 400 006.

20th March 2021

To, The Hon'ble Chief Minister, Maharashtra State, Mumbai.

Respected Sir,

Re: Untruthful statements by the Hon'ble Home Minister, Maharashtra in relation to the transfer of Shri Param Bir Singh, IPS as Commandant General of Home Guards, Maharashtra State from the post of Commissioner of Police, Mumbai.

- 1. With all humility at my command and as a true citizen of the Nation who has stood by his oath as a Police Officer for 32 years, I urge you to take note of the below mentioned facts and stand by the Constitutional values that guide the actions of the high seat you occupy.
- 2. In deference to transfer order dated 17th March 2021 of the Home Department, Govt. of Maharashtra, I have taken charge of the office of the Commandant General of Home Guards, Maharashtra State on the very next date i.e. 18th March 2021. Prior thereto, I have handed over charge of the affairs of the office of the Commissioner of Police, Mumbai.
- 3. My transfer was effected under section 22N(2) of the Maharashtra Police Act, 1951 with the reason that my transfer was necessitated by administrative exigencies. I believe that the reason for the transfer noted by the Govt. in my file is to ensure a free and fair investigation in the Antilia incident.
- 4. On 25th February 2021, a case bearing no. 35/ 2021 was registered with the Gamdevi Police Station as a result of a car with explosives being found

at Altamount Road near Antilia, the residence of Shri Mukesh Ambani. The said case is thereafter being investigated by the ATS and the NIA. All necessary assistance had been rendered by my office and my officers for the conduct of a free and fair investigation by the ATS and the NIA into the Antilia incident.

- 5. Shri Anil Deshmukh, Hon'ble Home Minister, Maharashtra has stated in an interview conducted under the aegis of 'Lokmat' and extensively reported on 18th March 2021 that: (a) there were serious lapses committed at my office, by the Mumbai Police and me in the investigation of the Antilia incident; (b) my serious lapses are not pardonable; and, (c) my transfer is not on administrative grounds.
- 6. At one of the briefing sessions in the wake of the Antilia incident held in mid-March 2021 when I was called late evening at *Varsha* to brief you, I had pointed out several misdeeds and malpractices being indulged into by the Hon'ble Home Minister. I have similarly briefed the Hon'ble Deputy Chief Minister, Maharsahtra, the President of the Nationalist Congress Party, Shri Sharad Pawar and other senior Ministers also about the misdeeds and malpractices. On my briefings, I noticed that some of the Ministers were already aware about some aspects mentioned by me to them.
- 7. In the aforesaid context, Shri Sachin Vaze who was heading the Crime Intelligence Unit of the Crime Branch of the Mumbai Police was called by Shri Anil Deshmukh, Hon'ble Home Minister, Maharashtra to his official residence *Dyaneshwar* several times in last few months and repeatedly instructed to assist in collection of funds for the Hon'ble Home Minister. In and around mid-February and thereafter, the Hon'ble Home Minister had called Shri Vaze to his official residence. At that time, one or two staff members of the Hon'ble Home Minister including his Personal Secretary, Mr. Palande, were also present. The Hon'ble Home Minister expressed to Shri Vaze that he had a target to accumulate Rs. 100 crores a month. For achieving the aforesaid target, the Hon'ble Home Minister told Shri Vaze that there are about 1,750 bars, restaurants and other establishments in Mumbai and if a sum of Rs. 2-3 lakhs each was collected from each of

them, a monthly collection of Rs. 40-50 crores was achievable. The Hon'ble Home Minister added that the rest of the collection could be made from other sources.

- 8. Shri Vaze came to my office the same day and informed me of the above. I was shocked with the above discussion and was mulling over how to deal with the situation.
- 9. A few days later, Shri Sanjay Patil, ACP, Social Service Branch, was called by the Hon'ble Home Minister at his official residence to hold discussions about the hookah parlours in Mumbai. The meeting was attended by other officers and Shri Palande, Personal Secretary to the Hon'ble Home Minister. Two days later, Shri Patil along with DCP Bhujbal were called at the official residence of the Hon'ble Home Minister for a meeting. While ACP Patil and DCP Bhujbal were made to wait outside the Hon'ble Home Minister's cabin, Mr. Palande went inside the chamber of the Hon'ble Home Minister and after coming out took ACP Patil and DCP Bhujbal on the side. Mr. Palande informed ACP Patil that the Hon'ble Home Minister was targeting a collection of Rs. 40-50 crores which was possible through an approximate 1,750 bars, restaurants and establishments operating in Mumbai. I was informed by ACP Patil about the demand to make collections for the Hon'ble Home Minister.
- 10.The aforesaid meeting at the official residence of the Hon'ble Home Minister with Shri Patil and Shri Bhujbal occurred on 4th March 2021 as informed to me by Shri Patil. In order to remind myself about the exact conversation that I had with ACP Patil, I messaged ACP Patil on 16th March 2021. Shri Patil has reconfirmed the aforesaid date and details to me on message on 16th March 2021 & 19th March 2021 and I am reproducing the text of my messages with ACP Patil:

Me (16th March 2021, 4:59 pm): Patil how many bars and other establishments did HM sir and Palande mention to you when you had met them in Feb . And what was total expected collection they mentioned.

Me (16th March 2021, 5:00 pm): Urgent please.

ACP Patil (16th March 2021, 5:18 pm): 1750 bars & other establishments in Mumbai. Per establishment Rs three lakhs. Total collection Rs 50 crore per month approximately as per their information.

ACP Patil (16th March 2021, 5:23 pm): *Mr Palande mentioned before DCP Bhujbal Enforcement on 4th March*.

Me (16th March 2021, 5:25 pm): *And when did you meet HM sir before that.*

ACP Patil (16th March 2021, 5:26 pm): *Before 4 days for Hukka briefing*.

Me (16th March 2021, 5:27 pm): *And what is date of Waze's meeting HM sir.*

ACP Patil (16th March 2021, 5:33 pm): *Sir I don't remind the exact date.*

Me (16th March 2021, 7:40 pm): You said it was a few days before your meeting?

ACP Patil (16th March 2021, 8:33 pm): Yes sir, but it is in end of February

Me (19th March 2021, 8:02 pm): *Patil I want some more information.*

Me (19th March 2021, 8:02 pm): *Did Waze meet you after he met HM sir.*

ACP Patil (19th March 2021, 8:53 pm): Yes sir, Waze met me after his meeting with HM sir.

Me (19th March 2021, 9:01 pm): *Did he tell you anything why HM sir had called him.*

ACP Patil (19th March 2021, 9:12 pm): The purpose of meeting was , he told me that, 1750 establishment in Mumbai, he should collect rs 3 lakh per establishment for him also, which will be around 40 to 50 cr.

Me (19th March 2021, 9:13 pm): *Oh. This was same as what HM sir told you.*

ACP Patil (19th March 2021, 9:15 pm): *On 4 th March , his PS Palande told me the same.*

Me (19th March 2021, 9:16 pm): Oh yes. You met Palande on 4th.

ACP Patil (19th March 2021, 9:17 pm): Yes sir, I was called.

- 11.After the meeting of Shri Vaze with the Hon'ble Home Minister, he had discussed the instructions of the Hon'ble Home Minister with Shri Patil and both of them had approached me with their predicaments.
- 12. The Hon'ble Home Minister has as a regular practice been repeatedly calling my officers and giving them instructions in respect of the course to be followed by them in performance of their official duties. The Hon'ble Home Minister has been calling my officers at his official residence bypassing me and other superior officers of the Police Department to whom those respective Police Officers report to. The Hon'ble Home Minster has been instructing them to carry out official assignments and collection schemes including financial transactions as per his instructions based on his expectations and targets to collect money. These corrupt malpractices have been brought to my notice by my officers.
- 13.In the present context, I may add that late Shri Mohan Delkar, Member of Parliament, Dadra & Nagar Haveli was found dead at Hotel Sea Green on 22nd February 2021. The Marine Drive Police Station recorded ADR No. 5/21 in relation to the suicide. A suicide note was found in the course of investigation. The said suicide note blamed senior officials of Dadra & Nagar Haveli and the trouble inflicted by them on Shri Delkar being the

- cause of suicide. An appropriate investigation was being undertaken by the Marine Drive Police Department in the said ADR.
- 14. However, from day one, the Hon'ble Home Minister desired a case of abetment of suicide to be registered at Mumbai. My professional view after seeking appropriate legal advice was that while the suicide had occurred in Mumbai, all the alleged acts of abetment had taken place in Dadra & Nagar Haveli. Thus, the abetment of suicide, if any, was required to be investigated by the Police at Dadra & Nagar Haveli who would have jurisdiction in that regard. You will recollect that in a briefing held at *Varsha* soon after the incident in the presence of a Hon'ble Minister and several other officials, after I drew attention of all concerned about my view, there was general agreement that the alleged acts of abetment could only be investigated by the Police at Dadra & Nagar Haveli.
- 15. Dutybound to do so, I held to my professional view as advised by legal experts. The Hon'ble Home Minister kept insisting otherwise despite having been informed by me about the opinion of legal experts on this issue. Due to my resistance, the Hon'ble Home Minister was unhappy with me as the political mileage desired to be derived from the registration of the abetment of suicide case in Mumbai in the death of Shri Mohan Delkar, Member of Parliament against senior officials of Dadra & Nagar Haveli was not being achieved.
- 16.Despite being fully aware of the opinion of the legal experts, the general opinion and the reasons behind it, the Hon'ble Home Minister announced the setting up of a Special Investigation Team (SIT) and registration of an FIR into the alleged case of abetment of suicide of late Shri Mohan Delkar, Member of Parliament, Dadra & Nagar Haveli, on the floor of the Maharashtra Assembly on 9th March 2021.
- 17.It has been my experience during the last more than one year as Commissioner of Police, Mumbai that the Hon'ble Home Minister has on numerous occasions called several officers from the Mumbai Police to his official residence at *Dyaneshwar* for giving instructions to adopt a specific course of action in police investigations. These acts of political

interference are illegal & unconstitutional and Courts in our country including the Hon'ble Supreme Court of India have in the past come down heavily on such acts of interference in police investigations. In the event of my expressing reservations against the interference from the Hon'ble Home Minister and resistance from me in that regard, the Hon'ble Home Minister has found my reservations and resistance undesirable.

- 18.I may humbly submit that I take full responsibility of my police force. However, the instances of interference make it clear that the responsibility of wrongdoings may lie somewhere else at the door of the wrongdoers.
- 19.On a collective appraisal of events that have transpired and what is being pointed out by me makes it clear that I have been made a scapegoat to divert attention from the actual wrongdoers.
- 20.It is not out of place to mention that there is no iota of material or evidence far from proof found against me or even imputed against me. Except for conjectures, surmises and pure speculation, no detail of any sort against me has been noticed by anybody. The call records and phone data of Shri Sachin Vaze be examined to ascertain the truth of the allegations qua me and for the truth to emerge insofar as his association with political functionaries is concerned.
- 21.In these circumstances, the assertions of the Hon'ble Home Minister to the effect that my transfer is not for administrative or routine reasons, I have conducted serious lapses and the serious lapses in the investigation committed by me are unpardonable are all statements contrary to the record and seem to be for extraneous and vindictive reasons.
- 22.As a civil servant serving the Nation & the State for more than 32 years, the people of Mumbai and the Department of Police, I have been recipient of prestigious awards like Khadtar Seva Medal Naxalite Area, DGP's Insignia 2004, Special Service Medal 2006 and Police Medal for Meritorious Services.

23.I have humbly apprised you of the true picture in order to place before you for consideration and corrective action, being fully cognizant to the retaliation that is likely against me for placing the true picture on record.

Sincerely yours,

sd/-Param Bir Singh I.P.S.

Commandant General of Home Guards, Maharashtra State

Copy submitted to:

- 1. The Hon'ble Deputy Chief Minister Government of Maharashtra Mumbai
- 2. The Additional Chief Secretary, Home Department Government of Maharashtra Mumbai
- The Principal Secretary to the Hon'ble Governor State of Maharashtra Mumbai

//TRUE TYPED COPY//

ANNEXURE P10

ANIL DESHMUKH

HOME MINISTER

GOVERNMENT OF MAHARASHTRA

Press Release

DATED: 20.03.2021

Ex Mumbai CP, Mr. Parambir Singh's allegations on me are absolutely false and baseless. He has made these allegations as a part of a conspiracy to save himself and to malign the image of Maha Vikas Aghadi and me. I would like to bring your attention to following points:

- It's been a while since Sachin Waze was arrested, why was Mr.
 Parambir Singh silent about these allegations for so many days?
- On 16th March, when he realized that he will be removed from the post of Police Commissioner the next day on 17th, he deliberately asked a few questions to ACP Mr. Patil and got

conveniently got expected answer out of it. This was a part of Mr. Parambir Singh's larger conspiracy. It seems as if he intended to get -specific- answers from these chats so that he can term them as -evidence- later. You can see the desperation of Mr. Singh through these chats. In the chats it is clear that Mr. Singh was leading the conversation to repetitively get particular information from Mr. Patil, why was that?

- In an interview given to Lokmat, I mentioned that Mr. Parambir Singh was removed from the post as a consequence of some serious issues against him came to our notice, so Mr. Singh again tried to create some evidence in the form of WhatsApp conversation on March 18th.
- Everyone in the Police department is very well aware that Sachin
 Waze and ACP Patil are very close to Mr. Parambir Singh. It was

Mr. Singh who reinstated Mr. Waze who was suspended for 16 years.

- All the allegations made by Mr. Parambir Singh are false, he should prove them. I'm filing a defamation case against him.
- Mr. Parambir Singh has made these allegations to save himself.
- If Mr. Singh is claiming that Sachin Waze gave him all this information in January then why didn't he bring this information forward back then? Was he silent for so many days?
- Mr. Singh has created this conspiracy to deflect the attention from explosives case and Mansukh Hiren's death.
- I ask the Chief Minister to conduct an unbiased & fair enquiry of
 Mr. Singh's allegations.

//TRUE TYPED COPY//

ORDINARY CIVIL JURISDICTION

I.A. No. ____ of 2021

IN

WRIT PETITION (CIVIL) NO. _____ OF 2021

IN THE MATTER OF:

PARAM BIR SINGH

...PETITIONER

VERSUS

STATE OF MAHARASHTRA & ORS.

...RESPONDENTS

<u>APPLICATION FOR INTERIM RELIEF</u>

TO
THE HON'BLE CHIEF JUSTICE
OF INDIA AND HIS
COMPANION JUSTICES OF
THE HON'BLE SUPREME
COURT OF INDIA

THE HUMBLE APPLICATION OF THE PETITIONER ABOVENAMED

MOST RESPECTFULLY SHOWETH:

 That the Petitioner has filed the present petition under Article 32 of the Constitution of India seeking the following prayers-

- (a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No.
 2 Central Bureau of Investigation to immediately conduct unbiased, uninfluenced, impartial and fair investigation in the various corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of Government of Maharashtra, before the evidences are destroyed;
- (b) Issue any appropriate writ, order or direction to quash and set aside the Order bearing number IPS-2021/Vol.No.107/Pol-1 dated 17.03.2021 (at Serial No. 3 thereof) passed by the Respondent No. 1 concerning the transfer of the Petitioner from the post of Police Commissioner, Mumbai as illegal and arbitrary, in violation of Articles 14 and 21 of the Constitution of India, for each of the grounds namely for being without the completion of the minimum fixed tenure of two years in teeth of the law laid down by this Hon'ble Court in T.S.R. Subramanian v. Union of India, reported in

(2013) 15 SCC 732, in clear non-compliance with the provisions of Indian Police Service (Cadre) Rules, 1954 as amended in 2014, and being contrary to the law laid down by this Hon'ble Court in *T.P. Senkumar v. Union of India, reported in* (2017) 6 SCC 801 wherein it was held that transfer of an officer from a sensitive tenure post requires serious consideration and good reasons that can be tested;

- (c) Issus appropriate orders or directions to safeguard the petitioner from any further coercive steps apprehended in the retaliation for laying bare the corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of the Government of Maharashtra;
- (d) Pass any further orders and/or directions as this

 Hon'ble Court may deem fit in the facts and

 circumstances of the present case.
- 2. The detailed facts and circumstances pertaining to the

instance case have been set out in the Writ Petition and as such are not being repeated herein for the sake of brevity. The Petitioner craves leave of this Hon'ble Court to rely upon all the facts stated and contentions raised in the accompanying petition when this Application is taken up for hearing and the same maybe read as part and parcel of the present application.

- 3. In light of the prima facie violations of the law laid down by this Hon'ble Court and the abuse of power by the Hon'ble Home Minister as stated in the above writ petition, it is submitted that the Petitioner will suffer irreparable injury if the interim prayers sought for in the present Application are not allowed. That the balance of convenience also lies in favour of the Petitioner.
- 4. The present application is *bona fide* and deserves to be allowed in the interest of justice in the given peculiar and special factual dimensions of the case in hand.

PRAYER

In the light of aforesaid reasons, the Petitioner therefore most respectfully prays that this Hon'ble Court may graciously be pleased

to:

a) stay the operation of the Notification dated

17.03.2021 bearing number IPS-

2021/Q.No.107/PO-1 issued by Home

Department of the State of Maharashtra;

b) direct the Respondents to immediately take in its

custody the CCTV footage from the residence of

the Shri Anil Deshmukh, the Hon'ble Home

Minister, State of Maharashtra;

c) Pass any other order or orders as this Hon'ble

Court may be deem fit and necessary in the

interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN

DUTYBOUND SHALL EVER PRAY.

FILED BY:

Mr! ABHINAY

ADVOCATE FOR THE PETITIONER

DRAWN BY: UTSAV TRIVEDI, ADVOCATE

FILED ON: 21.03.2021

ORDINARY CIVIL JURISDICTION

WRIT PETITION (CIVIL) NO OF 2021		
IN THE MATTER OF:		
PARAM BIR SINGH	PETITIONER	
VERSUS		
STATE OF MAHARASHTRA	RESPONDENT	

APPLICATION FOR SEEKING EXEMPTION FROM FILING OFFICIAL TRANSLATION OF ANNEXURE P-2

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE
APPLICATION OF THE
PETITIONER
ABOVENAMED

MOST RESPECTFULLY SHOWETH:

That the Petitioner has filed the present petition under Article
 of the Constitution of India seeking a writ in the nature of mandamus or any other appropriate writ to quash and set aside the transfer of the Petitioner at Serial Number 3 of the

Office Memorandum dated 17.03.2021 bearing number IPS-2021/Vol.No.107/Pol-1 issued by the Home Department of the Respondent, State of Maharashtra by virtue of which the Petitioner herein has been illegally and arbitrarily transferred from the post of Police Commissioner, Mumbai to the Department of Home Guards. Further, the Petitioner has invoked writ jurisdiction of this Hon'ble Court to seek unbiased, uninfluenced, impartial and fair investigation in the corrupt malpractices of Shri Anil Deshmukh, the Hon'ble Home Minister of Government of Maharashtra, before the evidences are destroyed.

- 2. All the facts relevant to the filing of the said Writ Petition have been fullyset out therein and the Petitioner craves leave of this Hon'ble Court to refer to and rely upon the same at the time of hearing of this Application as if the same forms part of this Application.
- 3. That in light of the urgency in matter and paucity of time, the Annexure P-2 is being filed without the official translation. That the above-mentioned Annexure was originally in Marathi. Apprehending long time to be taken by the Official Translator, the Petitioner got the aforesaid documents translated into

English through a translator. It is submitted that the said translation has been done by a competent person who is conversant with the legal phraseology and the same are correct and true English Translation of the said document.

- 4. It is in the interest of justice that the English Translation filed by the Petitioner be exempted from filing the Official Translation. The Petitioner, most respectfully submits that, he will file the official translation of the Annexure P-2 as soon as it becomes available.
- That the present application is being filed bona fide and in the interest of justice.
- 6. The Petitioner further submits that allowing the present application will not harm the Respondent.

PRAYER

In the light of aforesaid reasons, the Petitioner therefore most respectfully prays that this Hon'ble Court may graciously be pleased to:

- a) Allow the present Application and exempt the Petitioner from filing official translation of Annexure P-2.
- b) Pass any other order or orders as this Hon'ble Court may be

deem fit and necessary in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTYBOUND SHALL EVER PRAY.

FILED BY:

Mr. ABHINAY

ADVOCATE FOR THE PETITIONER

DRAWN BY: UTSAV TRIVEDI, ADVOCATE

FILED ON: 21.03.2021

ORDINARY CIVIL JURISDICTION

WRIT PETITION (CIVIL) NO	OF 2021
IN THE MATTER OF:	
PARAM BIR SINGH	PETITIONER
VERSUS	
STATE OF MAHARASHTRA	RESPONDENT
NDEV 05 50	

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CIVIL / CRIMINAL / APPELLATE / ORIGINAL / JURISDICTION

WRIT PETITION NO.

OF 2021

PARAM BIR SINGH

PETITIONER

VERSUS

RESPONDENT (S)

STATE OF MAHARASHTRA & ORS.

VAKALATNAMA

I, Param Bir Singh, Petitioner(s) the above Writ Petition do hereby appoint and retain, Advocate Supreme Court of India to act and appear for me in the above Writ Petition and on my behalf to conduct and prosecute (or defend) or withdraw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents and to deposit and receive money on my behalf in the said Writ Petition and in application for Review and to represent me and to take all necessary steps on my behalf in the above matter. I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

Dated this the 21 day of March, 2021

ACCEPTED

Advocate

Mr. Abhinay

PETITIONER

MEMO OF APPEARANCE

То

The Registrar, Supreme Court of India, New Delhi.

Sir.

Please enter my appearance on behalf of the Petitioner(s) the matter above mentioned Dated this the <u>21st</u> day of March, 2021.

Yours faithfully,

Dated: 21,03,2021

The address for service of the sald Advocate Is P-2A, Lower Ground Floor, Jangpura Extension New Delhi-14 abhinay@taslaw.in; sharmabhinay@gmail.com