

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 256 OF 2019  
(Subject – Transfer/Posting)**

**DISTRICT : OSMANABAD**

**Shri Dashrath s/o Ramraje Pawar,** )  
Age : 35 years, Occu. : Service as Dog )  
Handler, R/o Police Line, Osmanabad, )  
District Osmanabad. )

.. **APPLICANT**

**V E R S U S**

- 1) **The Additional Director General,** )  
**Of Police,** )  
Criminal Investigate Department, )  
Maharashtra State, Pune. )
- 2) **The Superintendent of Police,** )  
Osmanabad. )
- 3) **The Police Sub-Inspector,** )  
Dog Squad, Osmanabad, )  
Tq. and Dist. Osmanabad. )
- 4) **Shri A.S. Ganesh,** )  
Age : Major, Occu. : Service, )  
R/o C/o Police Station, Tuljapur, )  
Tq. Tuljapur, Dist. Osmanabad. )

.. **RESPONDENTS**

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**APPEARANCE** : Shri K.G. Salunke, Advocate for the Applicant.

: Shri B.S. Deokar, Presenting Officer for the  
Respondents.

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**CORAM** : **B.P. PATIL, VICE CHAIRMAN.**

**DATE** : **16.07.2019.**  
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**ORAL - ORDER**

1. The applicant has challenged the order dated 10.03.2019 issued by the respondent No. 2 by which the respondent No. 4 has been sent for training along with dog in place of the applicant by filing the present Original Application.

2. The applicant was initially appointed in the month of June 2004 as Police Constable and posted at Beed head Quarter. In the year 2007, he was transferred to Osmanabad and posted at Police Head Quarter Osmanabad. On 31.01.2009, the applicant was posted at Dag Squad, Osmanabad. Accordingly, the applicant has resumed duty as Dog Handler in the Dog Squad on the very day and since then, he is working as Dog Handler. On 04.12.2018, the Deputy Superintendent of Police (Head Quarter) in his communication which is addressed to the respondent No. 1 stated that as per the permission granted by the respondent No. 1, the Police Dog Squad Unit, Osmanabad has purchased one Doberman Pup (Rambo) and one Labrador Pup (Sultan) and appointed two Dog Handlers to each Pup. The applicant was appointed as second Dog Handler for Doberman Pup (Rambo) and since then he was maintaining Dog Rambo. The respondent No. 2 issued the order dated 08/09.03.2019 and selected the applicant and one Shri S.P. Mundhe for training at

Pune along with Dog Rambo. The said training was going to commence from 11.03.2019. Accordingly, the applicant and his colleague Shri S.P. Mundhe were ready to leave for training with Dog Rambo. On 10.03.2019, the respondent No. 2 issued another order and directed the respondent No. 4 to accompany with the Dog Rambo for training as second Dog Handler by cancelling the earlier order dated 8/9.03.2019. It is contention of the applicant that the respondent No. 2 has issued the said order cancelling the earlier order without recording reasons and without following the due procedure of law. It is contention of the applicant that he is working as Dog Handler since last 10 years, but without considering his experience, the respondent No. 2 passed the impugned order and deleted his name from the list of the police personnel to be sent for training. It is his contention that act of the respondent No. 2 is against the Circular Memorandum dated 17.06.2008, as well as, the directions given by the respondent No. 1 on 07.06.2016. It his contention that the he is looking after the Puppy Rambo since the year 2018, but the respondent No. 2 has not considered the said aspect and issued the impugned order dated 10.03.2019 against the Circular Memorandum and against the directions given by the Government from time to time. Therefore, he has

approached this Tribunal and challenged the impugned order dated 10.03.2019 by filing the present Original Application.

3. The respondent Nos. 2 and 3 have filed their affidavit in reply and resisted the contentions of the applicant. They have not disputed the fact that the applicant was working in Dog Squad Unit since the year 2009. They have admitted the fact that the Police Dog Squad Unit Osmanabad had purchased one Doberman pup Rambo and Labrador pup Sultan by the order 04.12.2018. It is their contention that prior to 04.12.2018, two dogs viz. Goldy and Tommy were in service in the Police Dog Squad Unit Osmanabad and they were retired on 10.09.2018 and 22.09.2018 respectively. It is their contention that two Dog Handlers used to be appointed for each dog. First dog handler and second dog handler has to take care of Dog allotted to them. It is their contention that retired dog Goldy was handled by Shri S.P. Munde as first Dog Handler and Shri D.R. Pawar, the applicant as second Dog Handler till the retirement of Goldy. It is their contention that once the dog retires from service, dog handlers' used to be changed for each new dog. The dog handler must possess knowledge about handling a dog and training for the purpose of investigation in bomb squad. It is their contention that the applicant has rendered 10 years' service in

the Dog Squad and he was due for transfer and therefore, his name has been deleted from the list of police personnel to be sent for training along with the dog. It is their contention that there were many more staff members who were senior than the applicant were serving in the Police Force. It is their contention that as per the guidelines given in the Circular dated 17.06.2008, the dog handler should be genuine dog lover with a proper understanding of the dogs nature and should be willing to handle and groom the dog and cook its food (meat) if required. The respondent No. 4 has been appointed as Dog Handler and sent for training considering his qualification, ability and his experience in police department. There is no arbitrariness in passing the impugned order and therefore, they justified the impugned order.

4. It is further contention of the respondent Nos. 2 and 3 that the applicant never worked in Police Station since his appointment. It is necessary for every police personnel to work in different avenues of policing to become well versed with all the aspects of policing and therefore, his name has been removed from the list of the police personnel to be sent for training along with dog. It is their contention that the applicant has completed his normal tenure of posting in the Police Dog Squad and

therefore, the impugned order has been passed. It is their contention that there is no illegality in the impugned order and therefore, they have prayed to reject the present Original Application.

5. The applicant has filed rejoinder affidavit and resisted the contentions of respondents raised in the affidavit in reply. It is his contention that the contentions raised by the respondents in the affidavit in reply are against the provisions of Circular and directions given by the Government from time to time. It is his contention that the respondent No. 4 has not experience of dog handling, while he has experience since the year 2009. The Dog Rambo has been placed in his custody from 04.12.2018 and he handled the same and therefore, his name cannot be deleted from the list of the police personnel to be sent for training along with the dog. It is his contention that letter issued by the Special Inspector (VIP Protection) Intelligent Bureau, Maharashtra State dated 19.11.2016 states that the dog handler cannot be changed till retirement of the dog. It is his contention that as Dog Rambo is in his custody by the order dated 04.12.2018, he cannot be changed till the retirement of dog, but the respondent No. 2 has issued the order violating the directions given by the Government

from time to time and therefore, he has prayed to quash and set aside the impugned order.

6. I have heard Shri K.G. Salunke, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents. I have perused the documents placed on record by both the parties.

7. Admittedly, the applicant was initially appointed as Police Constable in the month of June 2004 and posted at Beed Head Quarter. In the year 2007, he was transferred to Osmanabad and posted at Police Head Quarter Osmanabad. On 31.01.2009, he was posted at Dag Squad, Osmanabad and since then he was working there. Admittedly, he was working as second dog handler. Admittedly, the applicant was handling dog viz. Goldi as second dog handler. There is no dispute about the fact that dog Goldi retired on 10.09.2018. After retirement of Dog Goldi, the respondents have purchased two new puppies viz. Rambo and Sultan on 04.12.2018. By the order dated 04.12.2018, one Shri Mundhe and the applicant were appointed as first dog handler and second dog handler respectively for Dog Rambo and since then they were taking care of the dog Rambo and they are imparting preliminary training to dog Rambo accordingly. On 08/09.03.2019, the respondent No. 2 issued

order and directed to send the puppies Rambo and Sultan for training along with first dog handler and second dog handler. In the said order, the applicant has been sent for training to Pune as second dog handler of Rambo. Admittedly, the respondent No. 2 issued the impugned order dated 10.03.2019, cancelling the earlier order dated 08/09.03.2019 and deleting the name of the applicant from the list of police personnel to be sent for training along with dog and inserting the name of respondent No. 4 in his place as second dog handler of puppy Rambo.

8. Learned Advocate for the applicant has submitted that the Government has prepared manual for the Police Dog Squad viz. The Maharashtra State Police Dog Squad Manual and made provisions regarding Dog Squad and Handlers. He has submitted that as per the Rule 5(b), the selected handlers, one for each dog, will as a rule, remain with the same dog throughout and frequent changes of handler should be avoided as far as possible. The effectiveness of the handler will be determined by the extent to which he is able to develop love, attachment and understanding of his dog. He has further argued that the Intelligence Bureau (Ministry of Home Affairs) Government of India issued Circular Memorandum on 17.06.2008 regarding poor performance of Dog Squad and in the said Circular, it was

mentioned that the handler of the dog is not changed during the operational life time of the dog. He has further submitted that on 07.06.2016, the Police Superintendent of Police (ता.से.), C.I.D., Maharashtra State, Pune, issued a letter to all the Police Superintendent, wherein it has been mentioned that the dog handler cannot be changed throughout the service and life span of the dog. He has further submitted that on 19.11.2016 the Special Inspector (VIP Protection) Intelligent Bureau, Maharashtra State issued another letter and reiterated the same thing.

9. Learned Advocate for the applicant has further submitted that in spite of the directions given by the Government from time to time, the respondent No. 2 has issued the impugned order and removed the name of the applicant from the list of the police personnel to be sent for training along with dog without assigning reasons. He has submitted that the act on the part of the respondent No. 2 is arbitrary, illegal and in violation of directions given in the Circular and therefore, he has prayed to quash and set aside the impugned order.

10. Learned Presenting Officer has submitted that the applicant is working in the Dog Squad since the year 2009. Previously he was handling dog viz. Goldy. The dog Goldy retired

from the service on 10.09.2018. The applicant has completed his tenure of more than 9 years in the Dog Squad and therefore, he was due for transfer in view of the provisions of Transfer Act 2005 and therefore, he was not sent for training and in his place the respondent No. 4 has been appointed and he was sent for training along with the dog. He has submitted that the respondent No. 4 has acquired required qualification and experience for dog handling and therefore, he was sent for training. He has submitted that there is no illegality in the impugned order and therefore, he has prayed to reject the present Original Application.

11. Learned Presenting Officer has further submitted that the Government had issued the Circular dated 27.04.2017 mentioning the guidelines while selecting the handlers for dog. He has submitted that the respondent No. 4 has possessed the required qualification as provided in the said Circular and therefore, he has been appointed and deputed as dog handler. There is no illegality in sending him for training. Therefore, he justified the impugned order.

12. On perusal of the record, it reveals that the applicant was working as second Dog Handler in the Dog Squad Unit Osmanabad since the year 2009. He was taking care of the dog

Goldy as second dog handler since the year 2009. The dog Goldy retired from the service w.e.f. 10.09.2018. Thereafter, the Police Dog Squad Unit, Osmanabad has purchased two puppies viz. Rambo and Sultan by the order dated 04.12.2018 and those dogs had been given in custody of the dog handlers. The dog Rambo was given in custody of Shri Mundhe and the applicant as first dog handler and second dog handler respectively by the order dated 04.12.2018 and since then, they are taking care of the dog Rambo and giving preliminary training to puppy Rambo. The respondent No. 2 issued the order dated 08/09.03.2019 and deputed Shri Mundhe and the applicant for training at Pune along with dog Rambo. All of a sudden, the respondent No. 2 issued another order dated 10.03.2019 and cancelled the earlier order dated 08/09.03.2019 and deputed Shri A.S. Ganesh, i.e. the respondent No. 4 in place of the applicant as second dog handler of the dog Rambo. No reasons have been recorded by the respondents while cancelling the earlier order dated 08/09.03.2019 and sending the respondent No. 4 for training in place of the applicant. The puppy Rambo was already in the custody of the applicant and one Shri Munde and they were imparting preliminary training to the dog. The applicant was serving as Dog Handler in Dog Squad Unit since the year 2009 and he was acquainted with the habits of the dog and he has

sufficient experience to handle dog. He is also dog lover. But no reasons had been mentioned by the respondents while removing his name from the Dog Squad training and while cancelling the earlier order dated 08/09.03.2019, by which he has been deputed for training along with Puppy Rambo. Therefore, it seems that the impugned order has been issued by the respondent No. 2 arbitrarily and against the guidelines issued by the Government from time to time by the Circular dated 17.06.2008 and the communication dated 07.06.2016.

13. It is also material to note here that on enquiry made with learned Presenting Officer, learned Presenting Officer has made a statement at bar on instructions received from Shri Satish Chavan, Police Inspector, Control Room, Osmanabad, who is present today that the respondent No. 4 Shri A.S. Ganesh, who has been sent for training is 39 years old.

14. The guidelines for selecting dog handlers had been issued by the Circular dated 27.01.2017 by the Additional Director General of Police, CID, M.S. Pune, which provides that the dog handler should satisfy normally the requirements mentioned therein. One of the requirements is that the Dog Handler should be preferably below the age of 30 years and physically fit. In the instant case, the respondent No. 4, who has

been appointed and sent for training as dog handler for the first time is not satisfying the said requirement. He is above 30 years and therefore, he cannot be said to be fit person to be appointed as dog handler. But the respondent No. 2 had not considered the said fact and appointed him as Dog Handler in violation of the said guidelines and sent the respondent No. 4 for training as dog handler arbitrarily.

15. The letter dated 07.06.2016 issued by the Superintendent of Police (न.से.), C.I.D., Maharashtra State, Pune and the letter dated 19.11.2016 issued by the Special Inspector (VIP Protection) Intelligent Bureau, Maharashtra State specifically provides that the Dog Handler cannot be changed till the death of the dog or retirement of the dog. But the said directions have not been followed by the respondent No. 2 while removing the name of the applicant from the police personnel to be sent for training and sent the respondent No. 4 for training in his place. The applicant was already appointed as second Dog Handler for the dog Rambo and the dog was given in his custody on 04.12.2018. The applicant was imparting preliminary training to the dog Rambo. But the respondent No. 2 had not considered all these facts while issuing the impugned order. Therefore, in my view, the impugned order is not in accordance with the

provisions of the Maharashtra State Police Dog Squad Manual and the impugned order is illegal. The respondent No. 2 issued the impugned order arbitrarily to favour the respondent No. 4 and therefore, in my view, the impugned order requires to be quashed and set aside by allowing the present Original Application.

16. In view of the discussions in the foregoing paragraphs, the Original Application is allowed. The impugned order dated 10.03.2019 cancelling the earlier order dated 08/09.03.2019 and sending the respondent No. 4 for training of dog handler of Rambo in place of the applicant is hereby quashed and set aside. The respondent No. 2 is directed to take appropriate steps forthwith for sending the applicant for training as second Dog Handler of the dog Rambo.

There shall be no order as to costs.

**PLACE : AURANGABAD.**  
**DATE : 16.07.2019.**

**(B.P. PATIL)**  
**VICE CHAIRMAN**