

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 304 OF 2022

(Subject -Transfer)

DISTRICT : AURANGABAD

- 1. Nitin Prabhakar Mankar,**)
Age : 38 years, Occu. : Service as Police)
Naik at Manmad, Aurangabad Railway District,))
R/o : R/2, Railway Colony, Manmad,)
- 2. Ravindra Bapurao Khadatkar,**)
Age : 55 years, Occu. : Service as Police)
Naik at Manmad, Aurangabad Railway District,))
R/o : Plot No. 30, Shesh Nagar, Kharabi)
Road, Nagpur.)
- 3. Satish Bhimrao Jawanjal,**)
Age : 44 years, Occu. : Service as Police)
Naik at Bhusawal, Aurangabad Railway District,))
R/o : Plot No. 41, Bagade Layout,)
Mhadeokhori Mandir Road, Amravati 444602.)
- 4. Rajendra Vikramrao Gawai,**)
Age : 46 years, Occu. : Service as Police)
Naik at Bhusawal, Aurangabad Railway District,))
R/o : Plot No. /142, Rahul Nagar, Near)
Budhavihar Camp, Amravati 444602.)
- 5. Ravindra Shivbhusanprasad Sharma,**)
Age : 48 years, Occu. : Service as Police)
Constable at Manmad, Aurangabad Railway District,))
R/o : Sanjay Nagar, Bangali Colony,)
Kamthi, Nagpur.)
- 6. Damodar Govindrao Solanke,**)
Age : 45 years, Occu. : Service as Police)
Havaldar at Aurangabad, Aurangabad Railway District,))
R/o : Pach Bangla, Rathi Nagar, Badnera,))
Dist. Amravati.)

- 7. Ganesh Ramesh Pachpor,**)
Age : 45 years, Occu. : Service as Police)
Constable at Bhusawal, Aurangabad Railway District,))
R/o : Bharti Plant, Badapur Naka,)
Old City, Akola.)
- 8. Pradip Shridhar Nihatkar,**)
Age : 55 years, Occu. : Service as Police)
Constable at Manmad, Aurangabad Railway District,))
R/o : Galli No. 2, Chhangani Nagar,)
Amravati 444605.)
- 9. Shivlal Gobi Dahikar,**)
Age : 52 years, Occu. : Service as Police Head)
Constable at Bhusawal, Aurangabad Railway District,))
R/o : Manbhang, At Post Dhamangaon (Gatha,))
Tq. Chikhaldara, Dist. Amravati.)
- 10. Ravindra Motiram Talan,**)
Age : 52 years, Occu. : Service as Police Head)
Constable at Shegaon, Aurangabad Railway District,))
R/o : Dwaraka Nagar, Sai Nagar, Amravati.)
- 11. Anil Vishwanath Khodake,**)
Age : 51 years, Occu. : Service as Police)
Constable at Bhusawal, Aurangabad Railway District,))
R/o : Ganeshpur, Post Poghat, Tq. Mangdupi,))
Dist. Washim.)
- 12. Sagar Ramchandrarao Khandare,**)
Age : 43 years, Occu. : Service as Police Head)
Constable at Bhusawal, Aurangabad Railway District,))
R/o : Plot No. 317B, Near Nandada Buddhavihara,))
Nitiv Vihar, Sai Nagar, Amravati.)
- 13. Vijayshankar Baburao Yadav,**)
Age : 45 years, Occu. : Service as Police)
Naik at Nandurbar, Aurangabad Railway District,))
R/o : Kamthi, Tah. Parashivani, Dist. Nagpur.))
- 14. Devendra Damodharrao Titre,**)
Age : 62 years, Occu. : Service as Police)
Naik at Chalisgaon, Aurangabad Railway District,))
R/o : Khapa Tahsil Savner, Nagpur.)

- 15. Manoj Dnyaneshwar Meshram,**)
Age : 36 years, Occu. : Service as Police)
Naik at Aurangabad Police Control Cell,))
R/o : Jainagar, Pandharabodi, Post Office,))
University Campus, Nagpur 440033.)
- 16. Sachin Shivcharan Gupta,**)
Age : 36 years, Occu. : Service as Police)
Naik at Bhusawal, Aurangabad Railway District,))
R/o : Jail Quarter, Near Andha Vidyalaya,))
Amravati.)
- 17. Rakesh Parsaram Simaiya,**)
Age : 36 years, Occu. : Service as Police)
Naik at Chalisgaon, Aurangabad Railway District,))
R/o : Plot No. 8, Prakash Nagar, Godhani, Nagpur.))
- 18. Vilas Suresh Rao Dongare,**)
Age : 33 years, Occu. : Service as Police)
Naik at Manmad, Aurangabad Railway District,))
R/o : Ward No. 1, Anandwadi, Tq. Tiwasa,))
Dist. Amravati.)
- 19. Priti Gopalrao Gadge,**)
Age : 30 years, Occu. : Service as Police)
Naik at Manmad, Aurangabad Railway District,))
R/o : Behind Ganeshpeth Police Station,))
Ganeshpeth, Nagpur.)
- 20. Vishal Babanrao Kathikar,**)
Age : 33 years, Occu. : Service as Police)
Naik at Nandurbar, Aurangabad Railway District,))
R/o : Aashti (Shaheed), Tq. Ashti, Dist. Wardha.))
- 21. Parikshit Chandrashekhar Kharche,**)
Age : 31 years, Occu. : Service as Police)
Naik at Manmad, Aurangabad Railway District,))
R/o : Kunjilal Pet, Rameshwari Road, Nagpur.))
- 22. Atikesh Madanrao Kalmegh,**)
Age : 35 years, Occu. : Service as Police)
Naik at Bhusawal, Aurangabad Railway District,))
R/o : Near Remand Road, Gadgenagar, Amravati.))

- 23. Rajendra Kumar Ravindra Fating,**)
 Age : 46 years, Occu. : Service as Police)
 Constable at Shegaon, Aurangabad Railway District,))
 R/o : Plot No. 5, Jai Ganga Maa Housing Society,))
 Dhangawali, Baba Nagar, Kharbi,))
 Hudkeshwar Khurd, Nagpur-440034.))
- 24. Rahul Harichandra Rajgire,**)
 Age : 36 years, Occu. : Service as Police)
 Constable at Manmad, Aurangabad Railway District,))
 R/o : Plot No. 11, Mangaldeep Nagar-2,))
 Besa Road, Manewada, Nagpur-440034.))
- 25. Pratik Bhuteshwar Itankar,**)
 Age : 32 years, Occu. : Service as Police)
 Constable at Igatpuri, Dist. Nashik,))
 Aurangabad Railway District,))
 R/o : 24-C, Dube Nagar, Hudkeshwar))
 Road, Nagpur.))
- 26. Rajesh Ajabrao Jadhao,**)
 Age : 48 years, Occu. : Service as Police)
 Constable at Manmad, Aurangabad Railway District,))
 R/o : 192, Vidharbha Housing Board))
 Colony, Quarter No. 3/13, Ajni, Nagpur.))
- 27. Govind Kavduji Sahare,**)
 Age : 33 years, Occu. : Service as Police)
 Constable at Bhusawal, Aurangabad Railway District,))
 R/o : at Post Shindi (Railway), Tq. Selu,))
 Dist. Wardha.))
- 28. Rakesh Manna Singh,**)
 Age : 33 years, Occu. : Service as Police)
 Constable at Manmad, Aurangabad Railway District,))
 R/o : Room No. 1/21, Railway Police))
 Head Quarter, Ajni, Nagpur.))
- 29. Manjusha Bhojraj Khandekar,**)
 Age : 32 years, Occu. : Service as Police)
 Constable at Nanded, Aurangabad Railway District,))
 R/o : Plot No. 710, Jaibhim Nagar,))
 Near Ramteke Library, Nagpur-27.))

- 30. Shashikant Arjun Gharote,**)
 Age : 28 years, Occu. : Service as Police)
 Constable at Nandurbar, Aurangabad Railway District,))
 R/o : Maneri, Post Chikhali,)
 Sadkarjuni, Dist. Gondia.)
- 31. Saurabh Vinod Akotkar,**)
 Age : 28 years, Occu. : Service as Police)
 Constable at Nanded, Aurangabad Railway District,))
 R/o : Deshpande Plot, Navvathe Chowk,))
 Badnera Road, Amravati.)
- 32. Rajesh Dhanraj Parate,**)
 Age : 28 years, Occu. : Service as Police)
 Constable at Nanded, Aurangabad Railway District,))
 R/o : at Post Sihora, Tq. Tumsar, Dist. Bhandara.)
- 33. Vinod Bhawat Kordeo,**)
 Age : 33 years, Occu. : Service as Police)
 Constable at Nanded, Aurangabad Railway District,))
 R/o : At Post Phadegaon (Theth), Tq. & Dist. Washim.)
- 34. Pooj Daryav Agashe,**)
 Age : 28 years, Occu. : Service as Police)
 Constable at Nanded, Aurangabad Railway District,))
 R/o : 34, Aaradhana Nagar, Dighori,)
 Nagpur.)
- 35. Sandip Vijay Patre,**)
 Age : 31 years, Occu. : Service as Police)
 Constable at Shegaon, Aurangabad Railway District,))
 R/o : Gurukrupa Colony, Gopal Nagar,)
 Amravati.)
- 36. Narendra Hulsaram Karmenge,**)
 Age : 39 years, Occu. : Service as Police)
 Constable at Nanded, Aurangabad Railway District,))
 R/o : Imamvada No. 1, Post Ajni, Nagpur.)
- 37. Suraj Punjabrao Ingole,**)
 Age : 26 years, Occu. : Service as Police)
 Constable at Nanded, Aurangabad Railway District,))
 R/o : Shingabai Takali, Sai Nagar,)
 Godhani Road, Nagpur-30.)

- 38. Vivek Mudaliar Ansawali,**)
Age : 59 years, Occu. : Service as Police)
Constable at Bhusawal, Aurangabad Railway District,))
R/o : Plot No. 52, Raza Town, Near Madarsa,))
Naka No. 2, Khasada Kamathi Road, Nagpur.))
- 39. Avinash Ishwar Shrirame,**)
Age : 33 years, Occu. : Service as Police)
Constable at Bhusawal, Aurangabad Railway District,))
R/o : 3/13, Raiway Police Head Quarters,))
Ajani, Nagpur.)
- 40. Manhendra Shyamraoji Ghangal,**)
Age : 34 years, Occu. : Service as Police)
Constable at Nasik, Aurangabad Railway District,))
R/o : At Post Panjara, Vadhona,))
Tq. Karanja, Dist. Wardha.))
- ... **APPLICANTS**

V E R S U S

- 1) **The State of Maharashtra,**)
Through the Additional Chief Secretary,))
Home Department,))
Mantralaya, Mumbai – 400 032.)
- 2) **The Additional Director General of Police,))**
(Railways), Churchgate Railway Station,))
First Floor, Mumbai 400 020.)
- 3) **The Superintendent of Police, (Railways),))**
Aurangabad.)
- 4) **The Superintendent of Police, (Railways),))**
Nagpur.)

.. RESPONDENTS

APPEARANCE : Shri Ajay Deshpande, Advocate for the
Applicants.

: Smt. Sanjivani K. Deshmukh-Ghate,
Presenting Officer for Respondents.

CORAM : **SHRI V.D. DONGRE, MEMBER (J).**

DATE : **15.12.2022.**

ORDER

1. By invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, the present Original Application is filed seeking following relief in terms of prayer clause 29-(B), which is as follows :-

“(B) The respondents may kindly be directed to effect the transfer of the applicants from establishment under respondent No. 3 to appropriate establishment at Nagpur under respondent No. 4, as per the prevailing policy of transfer in-vogue, by giving precedence, in terms of the decision in O.A. No. 948 of 2019 decided on 3.12.2021, to subserve the ends of justice.”

2. The facts in brief giving rise to this application can be stated as follows :-

(i) All the applicants joined the service as Police Constable during the period of 2005 to 2006 under the establishment of the then respondent No. 4 i.e. the Superintendent of Police (Railways), Nagpur and worked under the establishment of respondent No. 4 till July, 2018. As of now all the applicants are working on the post

of Police Constable under newly constituted establishment of respondent No. 3 i.e. the Superintendent of Police (Railways), Aurangabad.

(ii) The respondent No. 4 i.e. Superintendent of Police (Railways), Nagpur is head of the establishment under whom the applicants want to get posting. The respondent No. 2 i.e. the Additional Director General of Police (Railways), Mumbai is at the helm of administration of Railway Police in the State, whereas, the respondent No. 1 i.e. the State of Maharashtra, through the Additional Chief Secretary, Home Department, Mumbai, is the supreme executive having overall regulatory control over the respondents and the applicants as well.

(iii) Prior to issuance of the G.R. dated 10.05.2018 (Annexure A-1), there were three Railway Districts in the State of Maharashtra and they were Mumbai, Pune and Nagpur. The jurisdiction of transfer and posting of Police Constabulary up to the stage of Assistant Sub-Inspector of Police are within the respective Railway Police Districts only and inter-railway district transfers are not contemplated.

(iv) All the applicants originally hail from Vidarbha Region and especially Nagpur and nearby revenue districts. They are born and brought up in Vidarbha Region and they have rendered their services predominantly in Vidarbha Region. The respondent No. 1 by issuing G.R. dated 10.05.2018 (Annexure A-1), created one more Railway District i.e. Aurangabad Railway District, Aurangabad, bifurcating original Nagpur Railway District. Newly created Railway District is having jurisdiction from Shegaon in Buldhana District up to Igatpuri in Nasik District. It is also extended to Nanded and Parli Vaijnath in Beed District.

(v) It is specifically contended that the applicants have no grievance as regards creation of Aurangabad Railway District bifurcating erstwhile Nagpur Railway District, but according to them due to that no fair policy was evolved while deploying staff in those two districts and because of that, the applicants who have continued to be posted and are constrained to work in Aurangabad Railway District away from their family members, who are predominantly leaving in Vidarbha Region i.e. Nagpur district and other adjoining districts.

(vi) It is contended that as per the subsequent G.R. dated 16.02.2019, the Police Force available under the respondent No. 4 i.e. the Superintendent of Police (Railways), Nagpur came to be bifurcated and 743 posts have been created under the respondent No. 3 i.e. Superintendent of Police (Railways), Aurangabad. Accordingly, those incumbents who are eventually working at the place of their respective postings were continued under respective Railway Districts may by Nagpur Railway District or merely newly created Aurangabad Railway District. It resulted in retention of incumbents in Aurangabad Railway District, but who hail from Vidarbha Region and also incumbents posting under Nagpur Railway District, who hail from Marathwada Region. Because of that, the entire family of Police Constabulary suffered disturbance insofar as family arrangements are concerned.

(vii) The respondent No. 4 i.e. the Superintendent of Police (Railways), Nagpur, called for applications from Police Officers and Constabulary for effecting transfers from (i) Nagpur Railway District to Aurangabad Railway District, (ii) Aurangabad Railway District to Nagpur Railway District, (iii) Aurangabad Railway District to Aurangabad Railway

District and (iv) Nagpur Railway District to Nagpur Railway District under communication dated 25.09.2018 (Annexure A-3). Pursuant to that, the applicants herein submitted individual representations seeking their transfers under Nagpur Railway District pointing out that their respective families are residing within the Nagpur Railway District all throughout their life and their children are undertaking education within the Nagpur Railway District. Annexure A-3 is the collective information in that regard submitted by the respondent No. 3 to the respondent No. 4 for necessary action. However, the said representations of the applicants, who were compelled by the respondent No. 3 and submitted to the respondent No. 4, are not acted upon and they are not giving posting in Nagpur Railway District. No policy was involved to bring fore practical solution to cause minimum inconvenience to the Police Constabulary.

(viii) In the circumstances, it is contended that it was moderately expected by the applicants that some workable solution would be evolved for accommodating the members of Aurangabad Railway District, who originally hail from Nagpur Railway District. However, almost three years are

to complete and still there has been no modalities worked out for posting members of Police Constabulary, who are eventually working under Aurangabad Railway District and who are desirous to get themselves posted under Nagpur Railway District. Some of their counterparts had approached this Tribunal with similar grievance, who were around 40 and almost all of them except 5/6 have by now been accommodated under the respondent No. 4, in compliance of the order passed by this Tribunal in O.A. Nos. 747 and 948 both of 2019.

(ix) It is further contended that as a matter of fact by virtue of directions issued by this Tribunal in O.A. Nos. 747 and 948 both of 2019, these applicants moderately expected that their claim for their reposting under Nagpur Railway District would be considered, however, having not been considered their claim at all, the applicants are constrained to file this Original Application seeking similar relief as that of the applicants in O.A. Nos. 747 and 948 both of 2019, which has been substantially allowed by this Tribunal on 03.12.2021.

(x) It is further submitted that as stated earlier, making available so many vacancies in one go may not be possible yet the respondent authorities are expected to evolve a mechanism in order to accommodate the applicants under the establishment of respondent No. 4. After taking over all stock of the situation, it revealed that there are about 40 members of Police Constabulary, who are willing to get their services transferred from Nagpur Railway Police to Nagpur City under Police Commissionerate at Nagpur. The applicants have reliably learnt that, even Nagpur City Police Commissionerate has also given No Objection to those 40 incumbents working on the establishment of respondent No. 4 still however, no such transfers have so far been effected by the respondent No. 4. The claim of the applicants herein can very well be considered against almost 40 vacancies those would become available.

(xi) It is further submitted that there are about 20/22 members of Police Constabulary on the establishment of respondent No. 4, who are to retire on attaining the age of superannuation by December, 2022 and the claim of the applicants can be considered against those vacancies, upon becoming available periodically. Similarly, they have been

given to understand that almost 20/25 incumbents are awaiting their promotion and thus, on the resultant vacancies arising therefrom, claim of the applicants can very well be considered.

(xii) It is further submitted that in view of the observations made by this Tribunal in its order dated 03.12.2021 commonly passed in O.A. Nos. 747 and 948 both of 2019, the respondent authorities ought have considered the claim of the present applicants as well keeping in view the length of service the applicants have at their credit. The respondent authorities have not done so.

(xiii) It is further submitted that considering the extreme sufferings of the applicants and their families, seniority, promotion, etc. have become insignificant in their service career. Even at the cost of sacrifice in their service career, all the applicants are ready for their transfer on the establishment of respondent No. 4 even on zero seniority basis, which the applicants in earlier proceedings decided on 03.12.2021 had objected to. By distinct orders dated 17.12.2019, 30.01.2020 and 28.10.2020, the respondent No. 2 issued some transfer orders thereby transferring

almost 20 incumbents from the establishment of respondent No. 3 to the establishment of respondent No. 4. The applicants have no grievance about those transfer orders. They however, expected that vacancies will be there till December, 2022, whereby the applicants can be accommodated on the establishment of respondent No. 4.

xiv) It is further submitted under order dated 23.05.2019, the respondent No. 4 i.e. the Superintendent of Police (Railways), Nagpur issued allocation in terms of G.R. dated 16.02.2019 and posted as many as 484 incumbents from Police Constable to Assistant Police Sub-Inspector under the respondent No. 3 i.e. Superintendent of Police (Railways), Aurangabad. In the first phase, thereby deficit of man power with the respondent No. 3 is tried to be adjusted by posing junior most incumbents in the respective cadres. Required number of junior incumbents from respective cadres are being transferred on administrative ground from Nagpur Railway District to Aurangabad Railway District. This formula ought to have been worked out at or before issuance of G.R. dated 10.05.2018. That could have saved inconvenience of such other police officials. However, the decision in that regard

is not taken under the garb of administrative convenience and thereby, the applicants continued to suffer.

3. The affidavit in reply is filed on behalf of respondent No. 3 by one Shri Manoj Dhondiram Pagare, working as Sub-Divisional Police Officer Railways, Jalna, thereby he denied all the adverse contentions raised in the Original Application. It is admitted that when the G.R. dated 16.02.2019 was issued the Police Personnel, who were eventually working at the place of their respective postings were continued under respective Railway District. At present, there are 92 such persons in Aurangabad Railway District who hail from Vidarbha Region and want transfer to Nagpur Railway District, their request can be considered by way of inter district transfers at the rate of 5% of the sanctioned strength per year as per the instructions contained in G.R. dated 26.10.2017 (Exhibit R-1). If anybody of them has exigencies for transfer without waiting for availability of vacancies, etc. they can apply for transfer to Nagpur Police Commissionerate, Superintendent of Police Nagpur Rural or any other convenient District in Vidarbha Region. The request applications are already made by the applicants as per the options called by the respondent No. 4 as per the letter dated 25.09.2018. Three constables are yet on the waiting list for their transfer to the

establishment of respondent No. 4. However, limit of 5% of sanctioned strength is prescribed for inter district transfer per year vide G.R. dated 26.10.2017. In fact, at present more than 150 vacancies are there in the establishment of respondent No. 3 i.e. the Aurangabad Railway District and as such, the establishment of respondent No. 3 is facing difficulties for short constabulary still this respondent No. 4 is trying to accommodate such police officials on their establishment. In view of the same, the present Original Application is liable to be dismissed.

4. I have heard the arguments advanced by Shri Ajay Deshpande, learned Advocate for the applicants on one hand and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents on the other hand.

5. Learned Advocate for the applicants strenuously urged before me that this Tribunal has decided O.A. Nos. 747 & 948 both of 2019 by common order dated 03.12.2021 the grievance of these applicants is identical to that of the provisions raised in those Original Applications. In view of the same, the present O.A. may be allowed accordingly.

6. On the other hand, leaned Presenting Officer submitted that the respondent Nos. 3 and 4 are trying to accommodate the

applicants in Vidarbha Region in accordance with law as per the contentions raised in the affidavit in reply. However, the establishment of respondent No. 3 is facing difficulty of short constabulary.

7. After having considered the facts and documents on record and oral submissions, it would be just and proper to refer to the decision of this Tribunal dated 03.12.2021 commonly passed in O.A. Nos. 747 and 948 both of 2019. The grievance raised in those O.As. and the present O.A. are of similar nature. In the said case also, the applicants, who were part of constabulary working on the newly created establishment of respondent No. 3 sought transfers to Vidarbha Region under the establishment of respondent No. 4. In view of the same, it will be just and proper to reproduce the relevant observations in the said order dated 03.12.2021 in O.A. Nos. 747 & 948 both of 2019, which are as follows :-

“22. After having considered the rival pleadings and submissions made on behalf of both the parties, the undisputed facts which may emerge are that some of the applicants in O.A. No. 948/2019 were already working in the area covering newly created Aurangabad Railway District before bifurcation of erstwhile Nagpur Railway District as per the G.R. dated 10.05.2018 and some of

them were so posted around the time of said bifurcation. The applicant in O.A. No. 747/2019 is posted at his present posting in Aurangabad Railway District as per the transfer order dated 30.06.2018 effected on administrative ground. The name of the applicant in the said order is at Sr. No. 26. Hence, his order of transfer is necessarily issued after issuance of the G.R. dated 10.05.2018 bifurcating erstwhile Nagpur Railway District.

23. It is further undisputed fact that after bifurcation, the respondent No. 4 i.e. the Superintendent of Police (Railways), Nagpur by communication dated 25.09.2018 (Annexure A-2 of O.A. No. 948/2019) invited the applications for convenient postings from incumbents working under the respondent No. 3, as well as, respondent No. 4. The applicants in both these cases submitted their applications requesting their transfer from Aurangabad Railway District to Nagpur Railway District. Moreover, erstwhile Nagpur District was bifurcated vide G.R. dated 10.05.2018 (Annexure A-1 in O.A. No. 948/2019), creation of posts on separate establishment was done by the G.R. dated 16.02.2019 (part of Annexure A-5 collectively in O.A. No. 948/2019) allocating 743 posts on the establishment of respondent No. 3 i.e. the Superintendent of Police (Railways), Aurangabad and subsequently, the respondent No. 4 by the order dated 23.05.2019 (part of Annexure A-5 collectively in O.A. No. 948/2019, page No. 44 of paper book) deployed in or about 484 police officials from the cadre of Assistant Police

Sub-Inspector to Police Constable from Nagpur Railway District to Aurangabad Railway District.

24. It is the contention of the applicants that this deployment of the police officials vide order dated 23.05.2019 was done on the basis of junior most officers being transferred it was made applicable at the time of transfer of those police officials at or around officials by the G.R. dated 10.05.2018 bifurcating erstwhile Nagpur Railway District into present Nagpur Railway District and Aurangabad Railway District. According to them, had this criteria been was implemented if at that stage less inconvenience would have been caused to those who have been working in Aurangabad Railway District away from their hometown and family members.

25. By filing rejoinder affidavit, the applicants have demonstrated that about 20 police officials in the different cadre of Assistant Police Sub-Inspector to Police Constable are being transferred subsequently on requests by the orders dated 17.12.2019, 30.01.2020, 31.08.2020 and 28.10.2020, which orders are on record with the affidavit in rejoinder filed by the applicants in O.A. No. 948/2019. According to the applicants, before that the request applications made by the applicants were submitted by the respondent No. 3 to the respondent No. 4 under communication dated 26.09.2018 (Annexure A-3 in O.A. No. 948/2019). However, the said requests of the applicants were not considered and adopting pick and choose policy, the respondent No. 2 transferred other police

officials on request by wrongly exercising powers vested in him. However, in short affidavit filed on behalf of respondent No. 4, it is sought to be explained that the said subsequent transfers were effected in accordance with law and more particularly in view of the criteria laid down in the G.R. dated 26.10.2017, which include the grounds of seniority, couple benefit, serious medical reasons etc. However, transfer orders thereof placed on record are different and those are various orders issued in the year 2021 and those documents are produced as Exhibit R-2 and R-3 at page Nos. 95 to 104 of paper book in O.A. No. 747/2019.”

8. In the circumstances as above, in my considered opinion, the grievance raised by the applicants in the present O.A. is covered under the decision of this Tribunal reproduced as above. Hence, the present Original Application can be disposed of by passing the following order :-

ORDER

The Original Application No. 304/2022 is hereby allowed partly in following terms:-

- (i) The respondents are directed to consider the request applications made by the applicants for their transfer from Aurangabad Railway District to Nagpur Railway District way back in September, 2018, in accordance

with law giving precedence to them and keeping in view their respective maximum to minimum tenure in newly created Aurangabad Railway District at the earliest, when the applicants are ready to forego their claim of seniority.

(ii) There shall be no order as to costs.

PLACE : AURANGABAD.
DATE : 15.12.2022.

(V.D. DONGRE)
MEMBER (J)

KPB S.B. O.A. No. 304 of 2022 VDD Transfer