

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

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Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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O.A. No.803 of 2020

Rohan D. Khaire ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant a Police Constable working at Khadak Police Station, Pune challenges the order dated 15.12.2020 of his transfer to Traffic Division, Pune. Ld. Advocate for the applicant challenges the order on the following grounds:

- (i) The applicant has not completed normal tenure of 5 years as he was posted to Khadak Police Station, Pune in May, 2019.
- (ii) The procedure laid down under Section 22N of the Maharashtra Police Act is not followed.
- (iii) The Director General of Police has issued the circular dated 7.10.2016 laying guidelines in the event of transfer before completion of normal tenure and on the ground of any default. Whether the guidelines issued therein were followed by the authority when the applicant was transferred?

3. Ld. CPO produces the minutes of Police Establishment Board (PEB) dated 15.12.2020 wherein some Police Constables were transferred for the reason of confidential adverse report and in the public interest. She along with minutes of the PEB produces a letter dated 4.12.2020 written by Shri Mittesh Gate, Deputy Commissioner of Police, Special Branch, Pune to the Commissioner of Police, Pune City wherein it is mentioned that the confidential report against the applicant is submitted

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that the applicant is indulged in accepting illegal gratification from the criminals and the persons involved in illegal activities.

4. Considering the submissions of both the sides, no interim relief can be granted at this stage.

5. Ld. CPO to file reply within two weeks.

6. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

7. Issue notice before admission returnable on 14.1.2021.

8. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

10. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

/ (Mridula R. Bhatkar, J.)
Chairperson
31.12.2020

(sgj)