ORIGINAL APPLICATION NO. 1351/2024
(Kashinath Hansraj Pawar Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 1352/2024
(Sudhir Dattatry Inge Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 1353/2024
(Ashok Dhondiba Pawar Vs. State of Maharashtra & Ors.)

<u>**CORAM**</u> : **Justice Shri V.K. Jadhav, Member (J)**
<u>**DATE**</u> : **31.10.2024**
<u>**ORAL ORDER**</u> **(Vacation Court):**

Heard Shri K.B. Jadhav, learned counsel for the applicants in all these three matters and S/shri A.P. Basarkar & V.G. Pingle, learned Presenting Officers for the respective respondents in respective matters.

2. The applicants are serving as Police Inspectors at Police Training Centre, Jalna since February, 2022. In view of the directives issued by the Election Commission of India, they have been transferred from Jalna to Mumbai City by the common impugned transfer order dated 30.10.2024 midterm and mid-tenure. It is informed by the learned P.Os. that all the three applicants are already relieved from the posts on yesterday i.e. on 30.10.2024.

3. So far as applicant in O.A. No. 1351/2024, Shri Kashinath H. Pawar, is concerned, he was on the verge of retirement and his date of retirement on

attaining the age of superannuation is 31.5.2025. Even in general transfers he was not considered for transfer for the reason that he is going to retire within a short span of time. It appears from the arguments advanced by the learned counsel for the applicant and even after going through the directives issued by the Election Commission of India, the said directives may not be applicable to the case of all the applicants. However, the impugned transfer order came to be passed not only in terms of the directives issued by the Election Commission of India, but also under section 22N(2) of the Maharashtra Police Act, 1951. It is mentioned in the impugned transfer order that the applicant came to be transferred due to administrative exigency for dong election work at Mumbai City.

4.   So far as the applicant in O.A. Nos. 1352/2024, Sudhir D. Inge and applicant in O.A. No. 1353/2024, Ashok D. Pawar are concerned, I am not inclined to grant any interim relief. However, so far as applicant in O.A. No. 1351/2024, Kashinath H. Pawar, is concerned, since he is at the verge of retirement and is going to retire   on attaining the age of

superannuation in the month of May, 2025, it would not be appropriate to move him at the fag end of his service. It is informed that the applicant is already relieved from the post, however, nobody has joined in his place yet.

5. In view of above, parties are directed to maintain Status quo in respect of applicant in O.A. No. 1351/2024, Kashinath H. Pawar, is concerned and if the said applicant is already relieved, he may be permitted to work on the post on which he was working prior to date of the impugned transfer order.

6. Issue notice to respondents in all the three Original Applications, returnable on12.11.2024.

7. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

8. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

11.   <u>Learned Presenting Officers are directed to call the concerned record including the minutes of the meeting of the Police Establishment Board on the next Date.</u>

12.   S.O. to 12.11.2024

13.   Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ARJ ORAL ORDER 31.10.2024