

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 755 OF 2018**

DIST. : AHMEDNAGAR

Abhay Ramchandra Kadam, )  
Age. 32 years, Occ. Service )  
Working as a Police Constable, )  
B. No. 1464, R/o Plot No. 410, )  
Avdhut Housing Society, Nirmalnagar, )  
Savedi, Ahmednagar. )--

**APPLICANT**

**VERSUS**

1. The State of Maharashtra, )  
Through the Secretary, )  
Home Department, Mantralaya, )  
Mumbai - 32. )
2. Director General of Police, )  
State Police Headquarters, )  
Old Council Hall, Shahhed Bhagat )  
Singh Marg, Maharashtra State, )  
Mumbai - 400 001. )
3. The Special Inspector General, )  
Dakshta Building, Gadkari Chowk,)  
Old Mumbai-Agra Road, )  
Nashik 422 002. )
4. The Superintendent of Police, )  
Superintendent Office, S.P. Chowk )  
Ahmednagar. )--

**RESPONDENTS**

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APPEARANCE :- Shri D.A. Bide, learned Advocate for the  
applicant.

: Shri M.P. Gude, learned Presenting Officer  
for the respondents.

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

**RESERVED ON : 18.7.2019.**

**PRONOUNCED ON : 22.7.2019**  
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## **J U D G M E N T**

1. The applicant has challenged the order dtd. 12.9.2018 issued by the respondent no. 4 thereby transferring him from the office of Additional Superintendent of Police, Ahmednagar to City Police Station, Kopargaon, by filing the present Original Application.

2. Applicant was appointed as a Police Constable at Police Headquarter, Ahmednagar on 19.10.2007. In the year 2010 he was transferred to Tophkhana Police Station from Police Headquarter. Again in the year 2015 he was transferred to City Police Station, Sangamner. Thereafter in the year 2016 he was transferred to Shirdi Mandir Suraksha. Thereafter on his request he has been transferred to Police Headquarter, Ahmednagar in the year 2017. On 20.6.2018 the applicant was transferred to the office of Additional Superintendent of Police, Ahmednagar. As the transfer of the applicant to the office of Additional Superintendent of Police, Ahmednagar was inconvenient to him, he applied for transfer by giving four places of his choice on 7.8.2018. It is his contention that he has been transferred on each and every occasion on account of administrative exigency. In spite of several transfers he performed good duty. He was serving in the office of Additional S.P., Ahmednagar w.e.f. 20.6.2018 and he was not due

for transfer, but the res. no. 4 issued the order dated 12.9.2018 and transferred him from the office of Additional S.P., Ahmednagar to the City Police Station, Kopargaon. The impugned order was not served on him and in spite of that the res. no. 4 relieved him from the office of Additional S.P., Ahmednagar. Accordingly the applicant joined his new posting in City Police Station, Kopargaon on 19.9.2018. It is his contention that the impugned order has been issued without any justifiable ground. No reasons have been recorded while issuing the same and it is in contravention with the provisions of the Maharashtra Police Act. It is his contention that because of the impugned transfer his entire family has been disturbed. His mother is hospitalized since 4 months and taking treatment at Ahmednagar. Not only this, but his daughter is school going student and she needs his help. His entire family has been disturbed due to impugned midterm transfer.

3. It is contention of the applicant that the res. no. 4 has transferred other Police Constables on administrative ground but subsequently their transfer orders were cancelled and modified and he made their posting at other places as per their convenience. It is his contention that the distance between Ahmednagar and Kopargaon is 100 kms. and therefore it causes

inconvenience to him & his family. The impugned order is illegal and therefore he prayed to quash the same by allowing the Original Application.

4. Respondent no. 4 resisted the contentions of the applicant by filing his affidavit in reply. It is his contention that the applicant committed serious misconduct of not obeying the orders of superior authority, not remaining present on duty, not maintaining the secrecy and providing the confidential information to the anti social group for threatening to senior officers in respect of filing false complaints against them. Because of misconduct of the applicant the Additional S.P., Ahmednagar submitted a default report against the applicant to the Superintendent of Police, Ahmednagar on 5.9.2018. In the said default report it has been mentioned that the applicant has no interest in performing his work and he has no knowledge regarding official work. It has been mentioned in the report that when the applicant was appointed at Topkhana Police Station he had collected money illegally from public and therefore he was transferred to City Police Station, Sangamner. The default report was placed before the Police Establishment Board and after considering the same it has decided to transfer the applicant on administrative ground and for the special reasons to protect and

maintain the image of Police Department in the eyes of society. Accordingly the applicant has been transferred from the office of the Additional S.P., Ahmednagar to City Police Station, Kopargaon on account of administrative exigency after following due procedure and provisions of Maharashtra Police Act. There is no illegality in the impugned order and therefore he has justified the same. It is his further contention that the applicant was on sick leave when transfer order has been issued and therefore it was not served on him but entry has been taken in that regard in the Station Diary. Thereafter the applicant has been relieved and there is no illegality therein. Therefore on these grounds he prayed to dismiss the Original Application.

5. I have heard the arguments advanced by Shri D.A. Bide, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents. I have also gone through the documents placed on record.

6. Admittedly the applicant was initially appointed in the Police Department as a Constable in the year 2007 and posted at Police Headquarter, Ahmednagar. In the year 2010 he was transferred from Ahmednagar Police Head Quarter to Tophkhana Police Station. Again in the year 2015 he was transferred to City Police Station, Sangamner. In the year 2016 the applicant was

transferred to Shirdi Mandir Suraksha. Thereafter in the year 2017 he was transferred to Police Headquarter, Ahmednagar on his request. On 20.6.2018 he was transferred to the office of Additional Superintendent of Police, Ahmednagar. Admittedly the applicant is serving at Ahmednagar since the year 2017. He was not due for transfer. He has been transferred in the midst of the year and before completion of tenure, by the impugned order from the office of Additional S.P., Ahmednagar to Kopergaon City Police Station.

7. Learned Advocate for the applicant has submitted that the applicant has been transferred on many occasions since his entry in service on administrative ground. He never raised grievance in that regard though the said transfers were inconvenient. He has submitted that his mother and family members are residing in Ahmednagar. His mother is ill since last four months. The applicant has school going daughter and he has to take care of her and his family members. He has argued that the res. no. 4 issued the impugned order without any just ground and transferred the applicant in the midst of the term and before completion of his tenure. He has submitted that the impugned order is midterm and mid tenure transfer. He has argued that the impugned order does not disclose reasons for which the applicant

has been transferred. No provisions of Maharashtra Police Act have been followed by the res. no. 4 while effecting the transfer of the applicant and therefore the impugned transfer order is illegal. He has further submitted that the impugned transfer order is in violation of the guidelines given by the Government under G.Rs. dated 11.2.2015, 1.7.2015 and the communication issued by the Director General of Police on 19.3.2016 as well as provisions of sec. 22N of the Maharashtra Police (Amendment) Act, 2015. Therefore, he prayed to quash the impugned order by allowing the Original Application.

8. Learned Advocate for the applicant has further submitted that the res. no. 4 effected the transfers of other Police personnel on the same date, but subsequently cancelled / modified their orders and posted those employees at the places of their convenience, but the res. no. 4 had intentionally avoided to modify the order of the applicant. The conduct of res. no. 4 is of vindictive nature and on that ground he prayed to quash the impugned order.

9. Learned Presenting Officer has submitted that there were several complaints against the applicant regarding his behavior when he was serving at Tofkhana Police Station. There was allegation regarding acceptance of money illegally from public and

therefore he was transferred to City Police Station, Sangamner. There were allegations against the applicant that he was not obeying the orders of superior authority, not remaining present on duty and not maintaining the secrecy and providing the confidential information to the anti social group for threatening to senior officers in respect of filing false complaints against them. He was not interested in doing the official work. He has no knowledge of office work and he is interested in doing activities other than the official work. He has no regards towards superior officers. Therefore Additional S.P., Ahmednagar submitted a default report against the applicant with res. no. 4 the Superintendent of Police, Ahmednagar on 5.9.2018 and requested to transfer the applicant from his office. The said report was placed before the Police Establishment Board in the meeting held on 7.9.2018. The Police Establishment Board considered the said report and considered the behavior and conduct of the applicant and decided to transfer the applicant from the office of Additional S.P., Ahmednagar to City Police Station, Kopargaon on account of administrative exigency and in the interest of public and accordingly the impugned order has been issued. He has submitted that the provisions of Maharashtra Police Act have been strictly followed while issuing the impugned order and there is no



illegality and therefore he justified the impugned order and prayed to reject the Original Application.

10. On perusal of the record it reveals that the applicant has been transferred to the office of Additional S.P., Ahmednagar by the order dated 20.6.2018 and accordingly he joined the said office on 28.7.2018. The applicant has hardly worked for 1 ½ month there and he has been again transferred in the midst of the term and before completion of his tenure by the impugned order. The impugned order of the applicant is midterm and mid tenure. The document at paper book page 38 of the O.A. i.e. the default report submitted by the Additional S.P., Ahmednagar shows that the Additional S.P., Ahmednagar made a report to the res. no. 4 regarding misconduct of the applicant. He has stated that since the date of joining his office the applicant had never shown interest in discharging the duty. He was not interested in official work. He was interested in doing activities other than the official work and therefore he requested the res. no. 4 to transfer the applicant from his office and post him outside the Ahmednagar city. The said report was placed before the Police Establishment Board in its meeting held on 7.9.2018. The Police Establishment considered the report of Additional Superintendent of Police, Ahmednagar and the conduct of the applicant. The applicant has

no regards towards his superior Officers. Considering the said aspect the Police Establishment Board decided to make transfer of the applicant before completion of his tenure and in the midst of the year in the public interest and on account of administrative exigency. Accordingly the applicant has been transferred from the office of Additional S.P., Ahmednagar to City Police Station, Kopergaon. The Police Establishment Board had recorded the reasons while making the transfer of the applicant and the said fact is evident from the minutes of the meeting dated 7.9.2018 (paper book page 39 of the O.A.). On the basis of said decision of Police Establishment Board, the impugned order has been issued by the res. no.4. Considering the said facts in my view there is no violation of provisions of sec. 22N or any other provisions of Maharashtra Police Act in making the midterm / mid tenure transfer of the applicant.

11. The applicant is serving in discipline force but his behavior and conduct is not befitting to the Police personnel. Therefore in order to maintain the image of the of the Police force the Police Establishment Board decided to transfer the applicant on account of administrative exigency and in the interest of public. I find no illegality in the impugned transfer order. Therefore no interference is called for in the impugned order. There is no merit

in the Original Application. Consequently it deserves to be dismissed. Hence, I pass following order :-

**ORDER**

The Original Application is dismissed without any order as to costs.

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

**Place : Aurangabad**  
**Date : 22.7.2019**

ARJ-O.A.NO.755-2018 S.B. (TRANSFER)