

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 51 OF 2021**

DISTRICT : PUNE

Shri Vijaykumar T. Bhogale)
Working as Police Sub Inspector,)
Office at Sangavi Police Station,)
Pimpri Chinchwad,)
Pune.)...**Applicant**

Versus

1. The State of Maharashtra)
Through Addl. Chief Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032.)
2. Director General of Police,)
Maharashtra State, Mumbai.)
Shahid Bhagat Singh Marg,)
Colaba, Mumbai 400 001.)
3. Commissioner of Police,)
Pimpri Chinchwad,)
Premlok Park,)
Chinchwad, Pune 411 033.)...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicants.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**

DATE : **18.01.2021**

ORDER

1. Heard Smt Punam Mahajan, learned advocate for the Applicants and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents

2. The applicant in who was working earlier as Assistant Sub Inspector was promoted by order dated 20.10.2020 to the post of Police Sub Inspector and posted to Pimpri Chinchwad Police Commissionerate from Pune City Police Commissionerate.

3. Learned counsel Ms Mahajan, submits that request of as many as 247 Police Officers who were also promoted like the applicants was considered and their posting orders were modified and they were given posting in the same place which was their earlier posting. The applicant is due to retire in four years. Therefore, learned counsel for the applicant submits that on parity his case is to be considered and he should be posted at the earlier place of posting from where he was transferred on promotion.

4. The representation of the applicant dated 2.11.2020 was not forwarded to office of the Director General of Police who is the competent authority to modify the order of posting and the application was considered only at the level of Commissioner of Police and the same was rejected by order dated 11.12.2020

5. Learned Chief Presenting Officer submits that the representation by the applicant is made subsequent to the

issuance of modification order on 29.10.2020. It is pointed out that by order dated 29.10.2020 the Police Officers who were promoted out of Pune City, their cases were considered and they were given promotions in Pune City itself.

6. I have gone through the modified transfer order dated 29.10.2020. It shows that the Police Officers who were brought back to their earlier postings were transferred to either out of District or at distant places in State of Maharashtra on promotion. However, considering their age, which is about 50 years or as they are nearing their retirement, the Respondents have rightly considered their convenience mainly on the ground of distance and displacement of the family.

7. In the case of the present applicant, though he is going to retire within four years, he is not posted on promotion to any other District or distant place in State of Maharashtra. Though Pimpri Chinchwad is out of the limits of Pune Municipal Corporation and it is a separate Police Commissionerate, the distance between Pune Commissionerate and Pimpri Chinchwad Police Commissionerate is not more than 30 kms at the most, as the borders of both the Municipal Corporations are touching each other. There won't be any incidence of displacement of the family of the applicant and so also there is no much distance for the applicant to cover to reach to the work place from his home. Thus, the purpose of issuing modification order of other Police Officers who were distantly posted is not violated in respect of the present applicant. Hence, there is no question of applying the parity in the present case. The decision of Commissioner of Police in rejecting the representation of the applicant was correct as there is no merit.

8. In view of the above, the application is summarily dismissed.

Sd/-

**(Mridula Bhatkar, J.)
Chairperson**

Place : Mumbai

Date : 18.01.2021

Dictation taken by : A.K. Nair.

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