***MAHARASHTRA ADMINISTRATIVE* TRIBUNAL,**

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 600/2012.

Baba Bhagwan Dongre,
Aged about 53 years,
Occ- Service,
R/o Hinganghat, Dist. Wardha. **Applicant.**

-Versus-.

1. The State of Maharashtra
   Through its Secretary,
   Department of Home,
   Mantralaya, Mumbai-32.

2. The Inspector General of Police,
   Nagpur Region, Nagpur.

3. Superintendent of Police,
   Wardha.

4. Shri D.D. Gupta,
   Police Inspector, P.S., Hinganghat,
   Distt. Wardha. **Respondents.**

Mrs. Smita Taksande, Learned Advocate for the applicant.
Shri S.C. Deshmukh, Ld. P.O. for respondent Nos. 1 to 3.
None for respondent No.4.

Coram:- The Hon'ble Shri Justice A.P.Deshpande,
Vice-Chairman
Dated:- 4th January 2013.

Oral order

Heard Mrs. Smita Taksande, the learned Counsel for the applicant and Shri S.C. Deshmukh, the learned C.P.O. for the respondent Nos. 1 to 3. None appears for respondent No.4.

2. It is the case of the applicant that he has been stationed at Hinganghat since 2010 and has been subjected to transfer from Hinganghat to Wardha before completion of normal tenure of three years. The applicant, by filing the present O.A. has challenged the order of transfer dated 31st May 2012 issued by Superintendent of Police, Wardha (R-3). Per contra, in the first place, it is the case of the respondents that the applicant who is holding the post of Police Inspector, has been transferred from Hinganghat to Wardha in the same District which is hardly at a distance of 15 to 20 Kms. and as such no prejudice is caused to the applicant. In the second place, it is submitted that the applicant was already stationed at Wardha on deputation since prior to 31.5.2012, and he continues to be at Wardha after

passing of the transfer order. According to the respondents, another officer by name Shri Gupta has already joined in the vacancy caused consequent upon the transfer of the applicant from Hinganghat. According to the respondents, Section 4 (1) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the "Transfer Act of 2005") does not vest an employee with an absolute right of normal posting of three years. According to the respondents, the applicant's transfer has been effected after complying with the provision of Section 4 (5) of the Act inasmuch as the Superintendent of Police, Wardha has effected the applicant's transfer after obtaining prior approval of the Special Inspector General of police, Nagpur Range, Nagpur, who happens to be his next higher authority. Reliance is placed by the respondents on the proviso to the Table ~~in~~ below Section 6 of the Transfer Act, to contend that officers in Entry-B working at the Divisional or District level, can be transferred by the Divisional Head or the District

Head, as the case may be, within the district. My attention is invited to the list published by the State Government U/s 7 of the Act dated 29.3.2011 at Annexure A-2 which clearly names the Superintendent of Police as a District Head, who has passed the order of transfer with prior approval of his next higher authority viz. the Special Inspector General of police. The special reasons for transfer of the applicant as assigned by the respondents is that there were various complaints against the applicant in regard to his manner of working and hence he has been shifted from Hinganghat to Wardha.

3. In my considered view, the impugned order of transfer is not in breach of the provisions of the Transfer Act. The impugned order also does not cause any prejudice to the applicant , as he has been transferred within the district and that too hardly at a distance of 15 to 20 Kms. It also needs to be borne in mind that by entertaining the present O.A., the status-quo as of today will be disturbed, inasmuch as the applicant is working at

Wardha since the date of transfer i.e. 31.5.2012 and another officer has joined in place of the applicant at Hinganghat.

4. For the reasons recorded hereinabove, I do not find any merit in the O.A. The same stands rejected, however, with no order as to costs.

sd/-

(Justice A.P.Deshpande)
Vice-Chairman

Pdg