

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 758/2020

DISTRICT : PUNE

Shri Prakash Tukaram Sonawane,)
Working as Superintendent of Police,)
Wireless, West Zone, Pune.)
R/at: Shivneri, Dr. Bhabha Road,)
Chavan Nagar, Pune – 8.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Home Department,)
Mantralaya, Mumbai.)
2. Shri Ishwar D. Kamble,)
Working as Superintendent of)
Police, Wireless, East Zone,)
Near Old Katol Naka,)
Nagpur.)...**Respondents**

Shri K.R Jagdale, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 15.12.2020

ORDER

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. The applicant, working as Superintendent of Police, Wireless, West Zone, Pune challenges the order dated 10.12.2020 issued by Respondent no. 1, transferring him from Pune to the post of Superintendent of Police, Wireless, Nagpur. Learned counsel for the applicant submits that the applicant has put in 9 years at Nagpur and he is to retire on 30.11.2021. Therefore, hardly one year is left for his retirement. Learned counsel for the applicant states that he has submitted representation on 26.11.2020 and without deciding the said representation, the applicant is transferred from Pune to Nagpur.

3. Learned counsel further submits that two children of the applicant are taking education in Pune and the applicant doesn't have any place to stay in Pune and he further submits that Respondent no. 2, has rendered 16 years of service at Pune earlier.

4. Learned Presenting Officer, on instructions had submitted that the case of the applicant was placed before Police Establishment Board on 28.10.2020 and the Police Establishment Board has taken decision to transfer the applicant to Nagpur and bring Respondent no. 2 to Pune as both have completed 3 years and 4 months at their respective places. Thus, both the applicant and Respondent no. 2 were due for transfer.

5. Learned P.O further submits that on 29.10.2020 the proposal was placed before the Hon'ble The Home Minister, i.e. the

competent authority, who approved the same. Thereafter the entire file was placed before Election Commission for approval as the Code of Conduct came into force due to Assembly Election (Vidhan Parishad). The Election Commission did not take any decision and file remained pending. The code of conduct came to an end on 7.12.2020 and thereafter immediately on 10.12.2020 the Respondent no. 1 issued transfer orders of the applicant and Respondent no. 2. Learned P.O submits that the applicant has submitted the representation after the meeting of the Police Establishment Board and therefore it was not considered. Learned P.O further submits that Respondent no. 2 has already joined in Pune.

6. Considered submission of both the counsel. Applicant and Respondent no. 2 were both due for transfer. In view of the submissions made by learned P.O, it appears that Respondent no. 1 has followed the necessary procedure while transferring the applicant to Nagpur. Hence the transfer order cannot be quashed and set aside. The Respondents, however, is directed to consider the representation and decide within 15 days.

7. In view of the above, Original Application stands dismissed.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 15.12.2020
Dictation taken by : A.K. Nair.