

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 461 of 2023 (S.B.)**

Savita W/o Bhaskar Dhewale,  
Aged 49 years, Occ. Office Superintendent,  
R/o Prabhu Colony, Mahadeo Khori Road, Behind Krushnabai  
Deshmukh Vidyalaya, Amravati,  
Tah. and District- Amravati- 444 606.

**Applicant.**

**Versus**

- 1) The State of Maharashtra, through Chief Secretary,  
Ministry of Home Affairs, Mantralay Mumbai-32.
- 2) Director General of Police,  
Maharashtra State, Lion Gate, Fort,  
Mumbai, Maharashtra 400001.
- 3) Additional Director General of Police (Administration)
- 4) Special Inspector General of Police (Administration)

R-3 and R-4 Office Situate at Office of the Director General of Police,  
Maharashtra State, Police Headquarter, Sahid Bhagat Singh Marg,  
Kolaba, Mumbai- 400 001.

- 5) Smt. Aarti W/o Sanjay Aathawale,  
Aged about 51 years, E/o Office of Superintendent of Police,  
Gadchiroli, Campus Area, Gadchiroli -442 605.
- 6) Smt. Jyoti W/o Dadarao Aakhre,  
aged about 56 years, Office of Superintendent of Police,  
Near Amravati Gramin, Near Collector Office, Amravati,  
Tah. and Dist- Amravati- 444 601.

**Respondents.**

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**S/Shri Amol Mardikar, Anket N. Rangari, Advs. for the applicant.**  
**Shri M.I.Khan, learned P.O. for respondent nos.1 to 4.**  
**Shri A.D. Girdekar, S.S. Bhalerao, Advs. for respondent no.5.**  
**S/Shri D.N. Mudgale, S.I. Ghatte, Advs. for respondent no.6.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

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**Date of Reserving for Judgment : 27<sup>th</sup> July,2023.**

**Date of Pronouncement of Judgment : 4<sup>th</sup> August,2023**

**J U D G M E N T**

**(Delivered on this 4<sup>th</sup> day of August,2023)**

Heard Shri Amol Mardikar, learned counsel for the applicant, Shri M.I. Khan, learned P.O. for respondent nos.1 to 4, Shri A.D. Girdekar, learned counsel for respondent no.5 and Shri D.N. Mudgale, learned counsel for respondent no.6.

2. The case of the applicant in short is as under –

3. The applicant was promoted and transferred from Amravati District to the Police Station Loh Marg, Nagpur vide order dated 04/06/2021. The applicant joined the duties at Police Station Loh Marg, Nagpur on 12/07/2021. Since then, she is continuously working at the said Police Station. The applicant made various applications to the Superior Officers regarding her transfer to Amravati District at the vacant post. As per the Circular, the applicant again made application to the Superior Officers regarding her transfer to Amravati District. Without considering the application of applicant as per the Circular, issued the transfer order and effected transfer of other persons than the applicant.

4. It is submitted that the office of the Director General of Police, Nagpur issued Circular wherein directions were issued to

various stakeholders that the earlier applications made by the Officers of the Police Department will not be considered for transfer and incumbents were required to make fresh application for transfer.

5. The respondent no.6 made application seeking transfer from Nagpur to Amravati. She was temporarily transferred to Amravati by considering her old application. The respondent nos.1 to 4 without following the Circular on the basis of the pending applications temporarily transferred the colleagues of applicant. The applicant in pursuance of the Circular made fresh application to the Superior Officer. Without considering her application, the impugned transfer order was passed. The respondent nos.5 and 6 were transferred to Amravati on their request, but the request of applicant is not considered. Hence, the applicant approached to this Tribunal for the following reliefs –

*“(7) (I) to quash and set aside the orders dated 16/05/2023 passed by the Director General of Police, Maharashtra to the extent of transferring respondent nos.05 and 06 and rejecting the application of the applicant (Annexure-A- 1);*

*II. to direct the respondent no.02 to consider the applications of the present applicant and the respondent nos.05 and 06 afresh and to take a decision within two weeks and in the meantime keep the post at Amravati vacant;*

*III. the Hon'ble Tribunal may decide the application at the admission stage itself;*

*IV. to grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.*

*(8) (i) grant stay to the effect and operation of the orders dated 16/05/2023 passed by the Director General of Police, Maharashtra to the extent of transferring the respondent no.05 and 06 (Annexure-A-1) and in the meantime keep the post at Amravati Vacant till the final disposal of the present application;*

*(ii) grant ad interim stay in terms of prayer clause I;*

*(iii) grant any other relief which the Hon'ble Tribunal deems fit looking to the circumstances and facts of the present case.”*

6. Respondent no.6 filed reply and submitted that the application for transfer was made by respondent no.6 on various genuine grounds to the respondent authorities for transfer from the Police Training Centre, Nagpur to Amravati Station either at the office of Superintendent of Police (Rural) or the office of Commissioner of Police, Amravati. Respondent no.6 had critical genuine family problems. Her daughter is also taking medical education. Husband of respondent no.6 is serving at N.C.C. Office, Akola. It is further submitted that one Shri Umesh Nayak, Office Superintendent of the office of Superintendent of Police (Rural), Amravati was mutually agreed to transfer. Shri Umesh Nayak had also some problems and therefore he agreed to mutually transfer to Nagpur. Therefore, she was temporarily transferred and in the regular transfer order, the said transfer order is shown as regular, it is a mutual transfer order. It is

submitted that the applicant has already joined on promotion at the office of Superintendent of Police, Lohmarg, Nagpur. The applicant has filed the present application on the ground that the respondent authorities have not considered her application. It is submitted that grounds of transfer of respondent no.6 were more genuine as compared to the applicant. It was a mutual consent transfer with Shri Umesh Nayak. Therefore, the O.A. is liable to be rejected against respondent no.6.

7. Respondent no.5 has filed reply and submitted that her husband namely Sanjay M. Athawale is working as a Police Constable at Amravati. As per the Government Resolution for unification of husband of wife, it was necessary to transfer the respondent no.5 from Gadchiroli to Amravati, therefore, on medical ground and also on the ground of her husband serving at Amravati in the Police Department, her transfer is made. Therefore, her transfer order is legal and correct. Hence, the O.A. is liable to be dismissed.

8. Respondent nos.2 to 4 have filed their reply. It is submitted that the applicant was appointed as a Junior Clerk on 02/11/1991 and was posted at office of SRPF Unit No.9, Amravati. Thereafter, she was promoted as a Senior Clerk and was posted to the office of Commissioner of Police, Amravati. Thereafter, she was transferred to the office of Superintendent of Police (Rural), Amravati. She was

promoted as a Head Clerk and was posted at the office of Commissioner of Police, Amravati City. She was promoted as Office Superintendent and was transferred on 12/07/2021 in the office of the Superintendent of Police, Lohmarg, Nagpur.

9. It is submitted that the applicant has made multiple applications for request transfer. In her applications for request transfer, she has stated the reason that her family stays at Amravati. She has two kids who are studying in Amravati. Her husband is working as Senior Clerk at Saibaba Vidyalaya, Amravati.

10. It is submitted that the applicant had not completed her tenure at the office of Superintendent of Police (Railway), Nagpur where she is presently posted. As per the G.R. dated 09/04/2018, the conditions regarding couple convenience are not applicable to the applicant as her husband is working as a Senior Clerk at Saibaba Vidyalaya, Amravati which is not a Government School. One Smt. Aarti Athawale was given transfer at the office of Commissioner of Police, Amravati City and Smt. Jyoti Akhare was given transfer at the office of Superintendent of Police (Rural), Amravati during the general transfers of 2023. There is no vacancy of the post of Office Superintendent and therefore the request of applicant was rejected by the office of respondent authorities.

11. It is submitted that husband of Smt. Jyoti Akhare (R/6) met with an accident. She has made application for transfer. One Umesh Nayak who was working as Office Superintendent at Amravati was in need of transfer to Nagpur, therefore, they mutually agreed to transfer. On that ground temporarily respondent no.6, Smt. Jyoti Akhare was transferred on 17/02/2023. In the regular transfer order, that transfer is shown as a regular transfer. In case of respondent no.5, she made application for request transfer from the office of Superintendent of Police, Gadchiroli to the office of the Commissioner of Police, Amravati City. Her husband is working at the office of Commissioner of Police, Amravati City as Police Head Constable. Respondent no.5 submitted medical papers that she had undergone surgery on her knees etc., therefore, her request was considered. As per G.R. dated 09/04/2018 couple convenience is applicable to her. As per the transfer order dated 16/05/2023 considering the genuine difficulties of respondent nos.5 and 6, they are transferred to Amravati. Now there is no vacant post to transfer the applicant at Amravati. Hence, the O.A. is liable to be rejected.

12. Heard Shri Amol Mardikar, learned counsel for the applicant. He has pointed out the G.Rs. dated 09/04/2018 and 27/11/1997 and Circular issued by the Additional Director General of Police, dated 28/08/2019. The learned counsel for the applicant has

submitted that as per the Circular, the pending applications cannot be considered of all employees who seek transfers. They were directed to submit fresh application. The learned counsel for the applicant has submitted that respondent nos.5 and 6 not submitted any fresh application. Their old applications were considered. Therefore, the impugned transfer order itself is liable to be quashed and set aside. The learned counsel for applicant has submitted that the husband of applicant is working at Amravati, therefore, as per the G.Rs. dated 09/04/2018 and 27/11/1997, her request should have been considered for unification of husband of wife. The learned counsel for the applicant has pointed out the Section 9 of the Transfer Act, 2005. The learned counsel for applicant has submitted that list of powers delegated to the subordinate Officers should have been published, but no any list was published.

13. Heard Shri M.I. Khan, learned P.O. for respondent nos.1 to 4. He has submitted that since last 27 years from the date of initial appointment, the applicant was serving at Amravati. The transfer of respondent no.5 was made because her husband is working in the office of Commissioner of Police, Amravati City as Police Head Constable, therefore, as per the Government policy for unification of husband and wife, she was transferred from Gadchiroli to Amravati.

Respondent no.5 had undergone surgery on her knees etc., therefore, her request was considered.

14. The learned P.O. has submitted that in case of respondent no.6, her husband met with an accident and therefore she was immediately need of transfer. One Shri Umesh Nayak, Office Superintendent in the office of Superintendent of Police, Amravati was also in need of immediate transfer, therefore, both of them mutually agreed for transferred. She was transferred on 17/02/2023 at Amravati. The said transfer order was made regular in the general transfers order.

15. It is submitted by the learned P.O. that applicant got promotion and she joined at Nagpur in the year 2021. She has not completed normal tenure for transfer. Now there is no post vacant to accommodate the applicant at Amravati. Hence the O.A is liable to be dismissed.

16. From the perusal of order passed by respondent nos.1 to 4, it appears that the decision was taken by respondent nos.1 to 4 for transfer of respondent nos.5 and 6. The reasons are given as under –

- विवरणपत्रातील अ.क्र. ३. श्रीमती ज्योती आखरे, कार्यालय अधीक्षक, नेमणूक प्राचार्य, पोलीस प्रशिक्षण कार्यालय, नागपूर कार्यालय यांनी त्यांच्या पतीचा अपघात झाल्याने व पतीच्या डोक्याला गंभीर दुखापत झाल्याने पोलीस आयुक्त, अमरावती शहर क्विया पोलीस अधीक्षक, अमरावती ग्रा कार्यालयात बदली होणेस विनंती केली होती. तथापि, बदली अधिनियम २००५ अन्वये केवळ एप्रिल व मे महिन्यात बदली करणेबाबत तरतूद असल्याने, श्रीमती ज्योती आखरे यांच्या नमुद कारणाचा व विनंतीचा सहानुभूतीपूर्वक विचार करून या कार्यालयाचे आदेश दिनांक १७/०२/२०२३ अन्वये

श्रीमती ज्योती आखरे यांना श्री. उमेश नायक, कार्यालय अधीक्षक, नेमणूक पोलीस अधीक्षक, अमरावती ग्रा. कार्यालय यांचे जागी संलग्न करण्यात आले होते. (श्रीमती आखरे यांनी तसे वैद्यकीय कागदपत्रे सादर केली आहेत.) तसेच श्री उमेश नायक यांना त्यांच्या विनंतीस अनुसरून श्रीमती ज्योती आखरे यांचे जागी प्राचार्य, पोलीस प्रशिक्षण केंद्र, नागपूर कार्यालय येथे संलग्न करण्यात आलेले आहे.

● बदली अधिनियम २००५ मधील तरतुदीनुसार या कार्यालयाचे आदेश दिनांक १६/५/२०२३ अन्वये श्रीमती ज्योती आखरे आणि श्री. उमेश नायक यांच्या संलग्न केलेली बदली नियमित करण्यात आलेली आहे. यामुळे पोलीस अधीक्षक, अमरावती ग्रा. कार्यालयातील कार्यालय अधीक्षक पद भरण्यात आलेले असून, एकच कार्यालय अधीक्षक पद असल्याने, सध्या पद रिक्त नाही.

●विवरणपत्रातील अ.क्र. २ श्रीमती आरती आठवले, कार्यालय अधीक्षक नेमणूक पोलीस अधीक्षक, गडचिरोली कार्यालय यांचे पती पोलीस आयुक्त, अमरावती शहर कार्यालय पोलीस हवालदार पदावर कार्यरत आहेत. तसेच श्रीमती आरती आठवले यांनी त्यांचे स्वतःची गुडघ्याची शस्त्रक्रीया झाल्याचे नमुद केले आहे. याबाबतची वैद्यकीय कागदपत्रे देखील सादर केलेली आहेत. यास्तव, या कार्यालयाचे आदेश दिनांक १६/५/२०२३ अन्वये श्रीमती आरती आठवले यांना पोलीस आयुक्त, अमरावती शहर येथील रिक्त पदात बदली करण्यात आलेली आहे. यामुळे पोलीस आयुक्त, अमरावती शहर कार्यालयातील कार्यालय अधीक्षक पद भरण्यात आलेले असून, एकच कार्यालय अधीक्षक असल्याने, सध्या पद रिक्त नाही,

●विवरणपत्रातील अ.क्र. १, श्रीमती सविता भास्कर ढेवले, कार्यालय अधीक्षक, नेमणूक पोलीस अधीक्षक, लोहमार्ग नागपूर कार्यालय यांनी त्यांचे कुटुंब अमरावती येथे असून, दोन्ही मुलांचे उच्च शिक्षण अमरावती येथे सुरु आहे. तसेच, पती साईबाबा विद्यालय, अमरावती शाळेमध्ये वरिष्ठ लिपीक पदावर कार्यरत आहेत. या कारणास्तव पोलीस आयुक्त, अमरावती शहर आणि पोलीस अधीक्षक, अमरावती ग्रा कार्यालय येथे बदली मिळणेस विनंती केली होती. तथापि, श्रीमती आरती आठवले यांना अमरावती शहर येथे आणि श्रीमती ज्योती आखरे यांना पोलीस अधीक्षक, अमरावती ग्रा. येथे त्यांचे पतीचे शासकीय सेवा, पतीचे वैद्यकीय कारण तसेच स्वतःचे वैद्यकीय कारण पाहून बदली देण्यात आलेली आहे. अमरावती जिल्ह्यात श्रीमती सविता ढेवले यांनी मागणी केलेल्या ठिकाणी पद रिक्त राहत नसल्याने, या कार्यालयाचे जापन दिनांक २६/५/२०२३ अन्वये श्रीमती ढेवले यांची विनंती अमान्य करण्यात आलेली आहे.

●श्रीमती ज्योती आखरे यांचा सेवानिवृत्ती दिनांक ३१/५/२०२५ असा आहे. तसेच, श्रीमती आरती आठवले यांचा सेवानिवृत्ती दिनांक ३०/९/२०२९ असा आहे. त्याचप्रमाणे श्रीमती सविता ढेवले यांचा सेवानिवृत्ती दिनांक ३१/५/२०३१ असा आहे श्रीमती सविता ढेवले यांचेपेक्षा आधी श्रीमती आखरे आणि श्रीमतो आठवले यांची सेवानिवृत्ती आहे. याचा देखील विचार करण्यात आलेला आहे. याप्रमाणे बदली बाबतची मार्गदर्शक तत्वे देखील विचारात घेण्यात आलेली आहे.

17. Prayer of applicant is to cancel whole impugned transfer orders itself is not tenable. The applicant should have restricted her claim in respect of transfer of respondent nos.5 and 6. It appears that

respondent nos.5 and 6 were having genuine reasons. Husband of respondent no.5 is working as Police Head Constable and therefore as per the Government policy, she was transferred to Amravati. Husband of applicant is working in Private School, it is not a Government School and therefore the G.R. dated 09/04/2018 is not applicable to the applicant. Transfer of respondent no.6 was mutual transfers with one Shri Umesh Nayak. She was already transferred before the impugned transfer order. But her transfer is shown as regular transfer in the impugned transfer order. Therefore, it cannot be said that the respondent authorities have shown any favouritism in favour of respondent nos.5 and 6. The applicant has enjoyed her posting at Amravati for about 27 years. Since the time of her initial posting whenever promotional post was available, she was accommodated at Amravati. She was promoted on the post of Office Superintendent and transferred to Nagpur. The applicant joined the said posting on transfer. Before completion of her normal tenure, she is seeking transfer. It is for the respondent authorities to consider the grievances of their employees. The respondent nos.1 to 4 have considered the grievances of respondent nos.5 and 6 and now there is no post available at Amravati. Hence, there is no merit in the O.A. therefore following order is passed –

**ORDER**

- (i) The O.A. is dismissed.
- (ii) No order as to costs.

**Dated** :- 04/08/2023.

dnk.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 04/08/2023.