

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 504/2020 (S.B.)**

Anil S/o Aatmaram Patil,  
Aged about 51 years, Occ. Police Inspector,  
R/o Police Quarters, Nandura,  
District Buldana.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through the Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Superintendent of Police, Buldana,  
Office at State Bank of India Square,  
Tq. and District Buldana.
- 3) Suresh Naiknaware,  
Aged about 50 years, Occ. Service,  
C/o Police Station, Nandura,  
District Buldana.

**Respondents.**

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**Shri Abhay Sambre, Advocate for the applicant.**  
**Shri P.N. Warjurkar, P.O. for the respondent nos.1&2.**  
**Shri N.R. Saboo, Advocate for respondent no.3.**

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**Coram :- Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

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**Date of Reserving for Judgment : 18<sup>th</sup> February,2021.**

**Date of Pronouncement of Judgment : 26<sup>th</sup> February,2021.**

**JUDGMENT**

**(Delivered on this 26<sup>th</sup> day of February,2021)**

Heard Shri A. Sambre, Id. Counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for respondent nos.1&2 and Shri N.R. Saboo, Id. counsel for respondent no.3.

2. The applicant was posted as Thanedar, Police Station, Nadura on administrative ground vide order dated 25/12/2019 (A-2, P-17) and again the applicant has been transferred from Thanedar, Police Station, Nandura to Control Room, Buldhana vide order dated 25/8/2020 (A-1,P-15) within less than one year. Aggrieved with this order, the applicant has approached to this Tribunal. As per Clause 22N (1) (c) of the Maharashtra Police Act, the normal tenure of police personnel is as follows -

*“22N (1) (c) - for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and **Police Inspector** a normal tenure shall be of two years at a Police Station or Branch, four years in a District and eight years in a Range, however, for the Local Crime Branch and Special Branch in a District and the Crime Branch and Special Branch in a Commissionerate, a normal tenure shall be of three years.”*

3. The applicant falls under the provisions of Clause 22N (1) (c) of the Maharashtra Police Act and the normal tenure was of two years.

4. The respondents have filed their reply (P-45 to 69) and in para-4,5&6 on page nos. 46& 47 they have submitted following facts—

*“(4) It is submitted that the office of the Sub Divisional Police Officer, Malkapur forwarded default report to the Additional Superintendent of Police, Khamgaon on 22/5/2020, then Additional Superintendent of Police, Khamgaon only called the explanation of aforesaid regarding default report on 28/5/2020 to the present applicant. That, the Additional Superintendent of Police, Khamgaon to the present applicant on 28/5/2020 which is already filed by the applicant as Annex-A-3, regarding the various defaults and explanation directed him to submit detailed reply.*

*(5) It is submitted that the office of the Additional Superintendent of Police, Khamgaon again called an explanation to the present applicant on 18/6/2020 & 27/6/2020 regarding the negligence and discharging his official duties.*

*(6) It is further submitted that the office of the Additional Superintendent of Police, Khamgaon vide letter dated 30/6/2020 submitted unsatisfactory report against the present applicant and requested to proposed a departmental inquiry of the present applicant regarding the issues.”*

5. As per the Maharashtra Police Act, the police Establishment Board at the district level board is constituted vide Section 22N (1) (c) (e) & (d). The Id. Counsel for the respondent no.3 has also filed Home Department Notification dated 2/12/2015 (Exh-1,P-97) about constitution of district level committee. As per the facts in reply in para-4,5&6 the District Level Committee meeting has taken place on 25/8/2020 (P-73 to75) and after recommendation of the Committee where the applicant's name appears at Sr.No.1 at page

no.75 and recommendation is given to transfer him from Thanedar, Police Station, Nandura to Control Room, Buldhana. Though the learned Counsel relied upon Section 22N (1) (C) of the Maharashtra Police Act, but there is also provision to transfer prior to completion of normal tenure due to following 5 reasons –

*“Provided that, the State Government may transfer any police personnel prior to the completion of his normal tenure, if –*

*(a) disciplinary proceedings are instituted or contemplated against the Police Personnel, or*

*(b) the Police Personnel is convicted by a court of law, or*

*(c) there are allegations of corruption against the Police Personnel,*

*Or*

*(d) the Police Personnel is otherwise incapacitated from discharging his responsibility, or*

*(e) the Police Personnel is guilty of dereliction of duty.”*

*“The Section 22N (2) of the Maharashtra Police Act also says that –*

*(2) In addition to the grounds mentioned in sub-section (1), in exceptional cases, in public interest and on account of administrative exigencies, the Competent Authority shall make mid-term transfer of any Police Personnel of the Police Force.”*

6. In view of discussions in above para, impugned order dated 25/8/2020 (A-1,P-15) has been issued and in its remark column reason has been also mentioned. So impugned order is as per provisions of the Maharashtra Police Act and after approval of the Home Department Notification dated 2/12/2015 (Exh-1,P-97) of district

level establishment board and according to the provisions given in Section 22 (N) only. Hence, O.A. requires to be dismissed. So following order –

**ORDER**

The O.A. stands dismissed. No order as to costs.

**Dated** :- 26/02/2021.

\*dnk.

**(Shree Bhagwan)  
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 : 26/02/2021.  
and pronounced on

Uploaded on : 26/02/2021.