

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 559 OF 2017 (S.B.)

Sachin S/o Manikrao Ghuge,
Aged : 28 years, Occ. Police Nayak,
R/o Shivaji Nagar, Ward No. 3,
House No. 321, Lohara, Yavatmal- 445 001.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Principal Secretary,
Home Department,
Mantralaya, Mumbai- 440 032.
- 2) Superintendent of Police, Office of
Superintendent of Police, LIC
Square, Yavatmal.
- 3) Sanjay Ramrav Deshmukh,
Aged about 55 yrs. Occ:Inspector,
Local Crime Branch Yavatmal,
Service Address Local Crime Branch
Office in the premises
Superintendent of Police office, LIC
Square, Yavatmal.

Respondents

Shri P.S.Wathore, the Id. Adv. for the applicant.

Shri P.N.Warjurkar, the Id. P.O. for the respondents.

**Coram :- Hon'ble Shri Shree Bhagwan,
Member (A)**

JUDGMENT**(Delivered on this 07th day of August, 2018)**

Heard Shri P.S.Wathore, the learned counsel for the applicant and Shri P.N.Warjurkar, the learned P.O. for the respondents.

2. The Id. counsel for the applicant submits that the applicant was born on 10th June, 1988 and belongs to N.T.-D Category Caste, "Wanjari". The applicant is selected as Police Constable by direct recruitment and appointment to the post of Nayak. The applicant joined his services initially at Police Head Quarter Yavatmal w.e.f. 04/12/2008. That, after rendering services for six years including training period in the year 2014, the applicant was transferred to local Crime Branch on 14/06/2014.

3. On 29/05/2016, the applicant was transferred from Local Crime Branch (LCB) to Police Station Gramin Yavatmal. On 04/06/2016 the applicant made representation to the Special Inspector General Police Amravati Range Amravati on 04/06/2016, lamenting the grievances. The applicant, who was serving as an Inspector Local Crime Branch, Yavatmal.

4. On 25/07/2017, the respondent no. 3 issued order titled as "Kartavya Aadesh" and directed. The applicant to again join at Police Station, Yavatmal, Gramin from Local Crime Branch Yavatmal. The applicant was relieved as per the order.

5. The impugned transfer order dated 29/05/2016 was issued by respondent no. 2, in which applicant is at Sr. No. 14 at P.B., Pg. No. 22.

6. In this O.A., the applicant is claiming following reliefs:-

i) That, this Hon'ble Tribunal be pleased to hold and declare that, the impugned action on the part of respondent issuing the transfer order is illogical, illegal, unconstitutional, arbitrary, discriminatory and against the principle of natural justice.

ii) Set aside the impugned transfer order dated 25/07/2017 at Annexure-A-1 and 29/05/2016 at Annexure-A-3 in view of the facts and grounds.

iii) Be pleased to direct the respondent to prepare the fresh list of the employees who are due for transfer.

iv) Grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

7. By O.A. No. 559/2017, the applicant Shri Sachin S/o Manikrao Ghuge working as a Police Constable, Yavatmal and has challenged the impugned transfer order of Superintendent of Police, dated 29/07/2017. Admittedly, the applicant was recruited as Police Constable by the direct recruitment and appointed to the post of Nayak. Applicant joined his services initially at Police Headquarter, Yavatmal w.e.f. 04/12/2008 and after serving for six years including training period in 2014, the applicant was transferred to Local Crime Branch on 14/06/2014 vide Superintendent of Police, Yavatmal by order dated 29/05/2016 on P.B., Pg. No. 22 at Sr. No. 14 with name Shri Sachin Ghuge holding Buggle No. 2234 and was transferred from Local Crime Branch

to Yavatmal Gramin by the Superintendent of Police, Yavatmal again vide order dated 27/06/2016 at P.B., Pg. No. 40(a) (Annexure-A-5), applicant Shri Sachin Ghuge at Sr. No. 8 is attached to Local Crime Branch for two months. Vide respondent no. 3 on Pg. No. 16 has relieved the applicant from Local Crime Branch to Joined at Police Station (Gramin), Yavatmal vide order dated 25/07/2017. Vide Superintendent of Police, Yavatmal order dated 29/05/2016 at Sr. No. 14, Shri Sachin Ghuge was transferred from Local Crime Branch to Yavatmal Police Station Gramin.

8. The Id. counsel for the applicant pleaded that even before completion of tenure, the applicant was transferred from Local Crime Branch to Police Station Gramin. The applicant has made an application to Special Inspector General of Police, Amravati Range, Amravati on 04/06/2016 which is placed on record at P.B., Pg. No. 34. The applicant has served most of the time at Yavatmal. So attaching the applicant to Local Crime Branch, Yavatmal or Yavatmal Police Station, Gramin both are at the same place, except the nature of job nothing is changed. There is no change of place of duty of applicant and so no inconvenience is caused to the applicant, changes in Job has been made as per the requirement of administrative works.

9. There are various Judgments by this Tribunal as well as Hon'ble High Court, where if Headquarter is same it should not be treated as transfer.

10. This Single Bench of this Tribunal Judgment delivered on 15/06/2018 with name **Chandrakant Umajirao Mehetre Vs. State of Maharashtra & 3 Ors.** in O.A. No. 26/2018, it has been cleared that if location is same there should not be any hindrance in performing duties by Government Employees. However, there is nothing on record about the applicant's representation dated 04/06/2016 disposed off by Inspector General of Police, Amravati Range, Amravati.

11. In view of the discussion in above para, I, do not find any merits in the O.A. and hence the following order:-

ORDER

The O.A. stands dismissed with no order as to costs.

Dated :- 07/08/2018

**(Shree Bhagwan)
Member (A)**

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