

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 582 of 2017 (SB)

Mohammad Abdul Fahim s/o Mohammad Abdul Latif,
Aged about 55 years, Occ. Service,
R/o Nim Wadi Camp, PWD Quarters,
Besides Sales Tax Office, Akola
Tq. and Dist. Akola.

Applicant.

Versus

- 1) The State of Maharashtra,
through Secretary,
Home Department, Mantralaya, Mumbai-32.
- 2) The Director General of Police,
Shahid Bhagatsingh Marg, near Regal Talkies,
Mumbai.
- 3) Special Inspector General of Police,
Amravati Range, Amravati.

Respondents

**S/Shri M.R. Khan, O.Y. Kashid, I.H. Quazi, Advocates for the
applicant.**

Shri M.I. Khan, learned P.O. for respondents.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGMENT

(Delivered on this 17th day of July,2018)

Heard Shri M.R. Khan, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. The applicant has been promoted to the post of Senior Clerk and transferred on promotion from the Police Training Centre, Akola to Police Commissioner's Office, Amravati vide order dated 17/07/2017 (Annex-A-1) issued by the respondent no.3, i.e., the Special Inspector General of Police, Amravati Range, Amravati. The applicant has claimed that the said order be quashed and set aside and directions be issued to the respondent no.3, i.e., the Special Inspector General of Police, Amravati Range, Amravati to take decision on the representations filed by the him on 24/03/2017, 18/07/2017, 01/08/2017 and also to the Director General of Police, Mumbai to decide the representations filed by him on 26/07/2017 and 01/08/2017. It is also prayed that the applicant be retained on the promotional post of Senior Clerk either in the office of Superintendent of Police, Akola or the Principal, Police Training Center, Akola.

3. According to the learned counsel for the applicant, the applicant has filed representations for change of his posting on promotion or his retention at Akola and the said representations were recommended by the Principal, Police Training Centre, Akola

and the Competent Authority, but the same has not been considered. It is stated that the applicant has rendered 30 years of continuous services in the Police Department and now he is on the verge of retirement. His son was studying in 10th Standard and the applicant is suffering from diabetic and hypertension and his wife also suffering from various ailments and infirmities and therefore he should have been adjusted at Akola. It is further stated that out of 19 employees who are promoted to the post of Senior Clerk, 18 employees were adjusted except the applicant and the discrimination has been made against him. Therefore, the respondents should have modified the order in respect of the applicant.

4. From the admitted facts on record, it seems that vide impugned order dated 17/07/2017 as many as 19 employees were promoted to the post of Senior Clerk. It seems that number of persons have been adjusted at their respective places prior to promotion. The first representation filed by the applicant is dated 24/03/2017. This was recommended by the Special Inspector General of Police, Amravati Range, Amravati. The another representation was filed on 18/07/2017 and it was also recommended by the Principal, Police Training Centre, Akola.

The third representation was made on 26/07/2017, then on 01/08/2017.

5. The respondent no.3 filed reply-affidavit. It is stated that in para-13 of the reply-affidavit that out of total service of 30 years, the applicant has served for 28 years at Akola District in the cadre of Police Constable / Junior Clerk. A detailed Chart as regards Post & District of Posting has been given in the said para, from which it seems that from 14/08/1987 to 11/05/2007, i.e., continuously for 20 years the applicant has served as Police Constable on the Establishment of S.P., Akola. Then as a Junior Clerk again he served at S.P. Office, Akola from 27/07/2009 to 28/08/2015, i.e., continuously for 6 years and again as a Junior Clerk at Police Training Center, Akola from 19/09/2015 to 17/07/2017. He was at S.P. office, Washim only for the period from 15/05/2007 to 27/07/2009, i.e., for 2 years only. It is therefore clear that out of 30 years of service, the applicant has served at Akola for 28 years and this fact has been considered by the Competent Authority. In Para-6.13 & 6.14, the applicant has claimed that the authorities have considered the request of several employees who are transferred on promotion from one place to another place, but did not consider the applicant's request and that

the applicant has been discriminated. These allegations are vague allegations only and there is no substance in such allegations. It seems from the impugned order of promotion / transfer that the respondent authorities have tried to adjust almost all the employees except the applicant. The reason is obvious that out of 30 years, the applicant has served at Akola for 28 years and therefore it cannot be said that the applicant was discriminated. I, therefore, do not find any merits in the O.A. Hence, the following order :-

ORDER

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

Dated :- 17/07/2018.

**(J.D. Kulkarni)
Vice-Chairman (J).**