

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 862/2018 (S.B.)**

Amol S/o Vilas Koli,  
Aged about 31 years, Occ. Service,  
Sub Divisional Police Officer,  
R/o Police Quarter, Pandharkawada,  
Tahsil : Kelapur, District : Yavatmal.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Additional Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
- 2) Director General of Police,  
Having its office near Regal Theater,  
Kulaba, Mumbai.
- 3) Sanjay Pujalwar,  
Aged : Adult, S.D.P.O.,  
Umarkhed Sub Division,  
District : Yavatmal.

**Respondents.**

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**Shri S.P. Palshikar, Advocate for the applicant.**

**Shri M.I. Khan, P.O. for respondent nos. 1&2.**

**S/Shri J.B. Kasat, Vinay Dahat, Advocates for respondent no.3.**

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**Coram :- Hon'ble Shri Anand Karanjkar,  
Member (J).**

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**JUDGMENT**

**(Delivered on this 9<sup>th</sup> day of April,2019)**

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for respondent nos.1&2. None for respondent no.3.

2. The applicant was selected by the MPSC and his name was recommended to the State Government and accordingly the applicant was appointed as Deputy Superintendent of Police (Dy.S.P.). The applicant joined the service on 19/8/2014 and he was posted at Anjangaon Sub Division, District Amravati.

3. The applicant was transferred vide order dated 29/04/2017 from Anjangaon Sub Division, District Amravati to Pandharkawada Sub Division, District Yavatmal. The applicant was relieved on 19/07/2017 and he joined his duty at Pandharkawada on 24/07/2017.

4. It is grievance of the applicant that before expiry of the normal tenure of two years the respondent no.1 transferred the applicant to Sub Division Umarched, District Yavatmal and the respondent no.3 who was working as Dy.S.P./ Sub Divisional Police Officer, Umarched was transferred to the post at Pandharkawada. It is contended that there was no official or administrative exigency for the mid-term transfer and therefore the impugned order is illegal.

5. I have heard the submissions on behalf of the applicant and on behalf of the respondent no.1. The respondent no.1 has filed

reply at page no.33 and it is contended that the transfer of the applicant was necessary for the administrative exigency and therefore there is no substance in the application and it is liable to be dismissed.

6. I have perused Section 22N of the Maharashtra Police Act, it seems that the normal tenure of the officer of the rank of Dy.S.P. was two years and the applicant is transferred before the expiry of two years. My attention is invited to the proviso to Section 22N of the Maharashtra Police Act. After reading the proviso, it seems that under certain circumstances the State Government was empowered to transfer the Police Officer before completion of the normal tenure, but in the present case the case of the applicant is not covered in any circumstance.

7. Though it is contended by the learned P.O. that it was necessary to transfer the applicant as there was official exigency but on perusal of the transfer order it seems that in the transfer order it is nowhere mentioned why decision was taken to transfer the applicant before the completion of the normal tenure. On perusing the order and note sheet it seems that name of the applicant is mentioned at sr.no.21. It is mentioned against the name of the applicant that the applicant was working on the post since 9/8/2017 and the Police Establishment Board recommended his transfer, therefore, he was transferred. It is pertinent to note that no reason is mentioned why it

was necessary to transfer the applicant by the Police Establishment Board. Consequently it is not possible to accept that the transfer of the applicant was in the interest of the department or in the interest of the public. The law is established that mere writing the words administrative exigency is not sufficient, but the order must spell out what was the official exigency. In the present case the recommendation made by the Police Establishment Board and the transfer order are silent on this aspect, therefore, I am not able to accept this submission of the learned P.O. Thus it is apparent that only to adjust the respondent no.3 the applicant was transferred before completion of the normal tenure, consequently it must be said that the exercise of jurisdiction by the Transferring Authority was not in accordance with the law. In the result, I pass the following order –

**ORDER**

The impugned order of transfer, transferring the applicant from Sub Division Pandharkawada to Sub Division Umarkhed and transferring the respondent no.3 from Sub Division Umarkhed to Sub Division Pandharkawada is hereby set aside. No order as to costs.

**Dated** :- 09/04/2019.

**(A.D. Karanjkar)**  
**Member (J).**

\*dnk.