

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 917 of 2022 (S.B.)

Prakash S/o Shankarrao Mantriwar,
Aged about 51years,
Occ: Intelligence Officer, R/o Ward No.2, Power House Colony,
Aheri, Taluka Aheri, District Gadchiroli.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Department of Intelligence, Mantralaya, Mumbai- 32.
- 2) The Commissioner State Intelligence Department,
2nd Floor, Old Council Hall,
Army Area, Navy Nagar, Colaba, Mumbai 400001.
- 3) Deputy Commissioner State Intelligence Department,
Nagpur, Unit Nagpur.
- 4) Superintendent of Police, Gadchiroli
District Gadchiroli.

Respondents.

Shri S.S. Dhengale, K.N. Jain, Advocates for the applicant.
Shri M.I. Khan, learned P.O. for respondents.

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

Dated :- 24/04/2023.

J U D G M E N T

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

2. The applicant has challenged the impugned transfer order dated 19/08/2022. The applicant is transferred from State Intelligence Department, Aheri to the office of Superintendent of Police, Gadchiroli.

3. As per the contention of the applicant, he was not due for transfer. Therefore, he prayed to quash and set aside the impugned transfer order. It is the contention of applicant that his transfer is mid-term and secondly his transfer was not recommended by the Civil Services Board, therefore, he prayed to quash and set aside the impugned transfer order.

4. The O.A. is strongly opposed by the respondents. It is submitted that the transfer of applicant was recommended by the Civil Services Board as per the provisions of Sections 22J-3 and 22J-4 of the Maharashtra Police Act, 1951 and therefore the impugned transfer order is perfectly legal and correct.

5. During the course of argument, the learned counsel for the applicant has pointed out the Judgment of M.A.T., Principal Bench, Mumbai in O.A.No.864/2021 in the case of **Smt. Jayashree R. Sonkawade versus State of Maharashtra and others**, decided on 23/09/2022. On perusal of this Judgment, it appears that the said applicant was not in the Police Department and fact is very much different in the case in hand. He has also pointed out the Judgment of M.A.T., Principal Bench, Mumbai in O.A.No.524/2019 in the case of **Sanjay G. Parab versus the Additional Director General of Police and Director Police Wireles, Pune and others**, decided on 20/01/2021 and also the Judgment of the Hon'ble Supreme Court in

the case of ***Nawabkhan Abbaskhan Vs. the State of Gujarat***. Those Judgments are not applicable to the case in hand, because, the transfer of applicant was recommended by the Civil Services Board. His transfer is as per the provisions of Sections 22J-3 and 22J-4 of the Maharashtra Police Act, 1951.

6. The interim relief was not granted to the applicant. He was transferred as per order dated 19/08/2022, but since then the applicant has not joined at the transferred place.

7. The learned P.O. has pointed out the Judgment of Hon'ble **Supreme Court** in the case of ***S.C. Saxena Vs. Union of India & Ors. (2009) 9 SCC,583***. The Hon'ble Supreme Court has held that duty of government servant to comply with the transfer order. Tendency of not reporting at the new place and instead indulging in litigation to ventilate grievances, held, needs to be curbed. The applicant is continuously absent from the date of transfer order. The learned P.O. has pointed out the copy of Muster Roll. It appears that from 19/08/2022 applicant is absent from duty. It appears that the applicant is intentionally not followed the transfer order. There was no any stay by this Tribunal or any other Court. In such circumstances it was the duty of applicant to join duty at the transferred place.

8. Looking to the grounds, the transfer order cannot be said to be illegal, because, the transfer order was issued in compliance of

provisions of Sections 22J-3 and 22J-4 of the Maharashtra Police Act, 1951. Hence, the following order –

ORDER

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

Dated :- 24/04/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

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 : 24/04/2023.

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