

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 757/2015**

Shri Vinodkumar Martand Meshram,  
Aged 48 years, Occ. Service,  
R/o Shivshakti Apartment, Banerjee Lay out,  
Bhagwan Nagar Road,  
Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra  
through its Secretary,  
Home Department,  
Mantralaya, Bombay-400032.
- 2) Director General of Police,  
Maharashtra State, Mumbai.
- 3) Additional Director General of Police,  
Crime Investigation Department,  
Maharashtra State, Pune.
- 4) Special Inspector General of Police,  
Crime Investigation Department,  
Maharashtra State, Pune.
- 5) Shri R.A. Gole,  
Aged About Major, Occ. Service,  
Office at State CID, Nagpur.

**Respondents**

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**Shri P.J. Mehta, A.B. Moon, A.S. Tiwari Advs. for the applicant.**

**Shri M.I. Khan, P.O. for the respondent nos. 1 to 4.**

**Shri D.G. Patil, J. S. Wankhede, S.V. Ingole, Id. counsel for R-5.**

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**Coram :- Hon'ble Shri R.B. Malik, Member (J).**

**Dated :- 08/02/2017.**

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**ORAL ORDER -**

Heard Shri P.J. Mehta, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri D.G. Patil, Id. counsel for R-5.

2. The applicant currently working as State Examiner of Documents posted at pune is stung by the order whereby post promotion instead of being posted at Nagpur, he was posted at Pune.

3. I have perused the record and proceedings and heard Shri P.J. Mehta, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri D.G. Patil, Id. counsel for R-5.

4. I am prepared to accept that as claimed by the applicant in the O.A., he has been extremely hard working, dedicated and sincere personnel. The issue involved herein is the validity of the order impugned herein dated 22-8-2014 (A-5,P-18) whereby post promotion he came to be transferred from Nagpur to Pune. The R-5 was retained at Nagpur even post promotion.

5. The grievance of the applicant is that R-5 exercised undue influence in the matter of getting the posting at Nagpur. In that connection Mr. Mehta, the Id. counsel for the applicant invited my attention to the communication from the R-5 directly to the Hon'ble State Minister of Home on 7-7-2014 even before the impugned order was made wherein he had canvassed his own case mentioning therein inter alia that he had been working hard, moving around the

State for giving evidence and he was posted at Aurangabad and at that point in time at the age of 51 he was entitled to be posted at Nagpur. He had pointed out most probably about the applicant that he had been at Nagpur for 8 years at that point in time and therefore the applicant rather than the R-5 should be posted out of Nagpur. Shri Mehta, Id. counsel submits that the Minister considered his request and the impugned order was accordingly made. In my opinion however the case of the applicant in this behalf is too farfetched is to be accepted. I am not concerned here with the propriety of the Govt. Officer communicating with the Minister directly because ultimately it is for the Hon'ble Minister to decide as to whether that was appropriate course of action but I am not here to punish anybody for such kind of a conduct which is not within my province. The fact of the matter is that after promotion the authorities have a right to choose appropriate officers for appropriate places and in the absence of seriously vitiating circumstances I do not think that the forum like this Tribunal which at best of time exercises the jurisdiction of judicial review for administrative action can even intervene much less interfere with such an order.

6. The DPC apparently proposed the posting of the applicant to Nagpur but in that behalf I think the Id. P.O. is right in contending that it is beyond the powers of the DPC and the DPC's powers are

restricted to make promotions but the posting is ultimately for the authorities to make. In my opinion therefore the impugned order suffers from no vitiating vice requiring interference by this Tribunal and I find no substance in this O.A. which is accordingly dismissed with no order as to costs.

**(R.B.Malik)**  
**Member (J).**

dnk.