

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.801 OF 2021**

**DISTRICT: SATARA  
SUBJECT : TRANSFER**

Mr. Yunus Gulab Mulani, )  
Age:48 years, (DOB : 28.12.1973) )  
Occ: Police Inspector at Pune City, )  
Sahakarnagar Police Station. )  
R/at: At post Tadavale, Tal. Koregaon, )  
Dist. Satara. )... **Applicant**

**Versus**

1) The Director General of Police, )  
Police Headquarters, Old Council Hall, )  
Shaeed Bhagat Singh Marg, )  
Mumbai-400 001. )  
2) The Police Commissioner, )  
Pimpri Chinchwad, Zone 3, Pune Mumbai Road, )  
Anand Nagar, Chinchwad, Pune. )...**Respondents**

**Shri Kishor R. Jagdale, learned Advocate for the Applicant.**

**Smt. Kranti S. Gaikwad, learned Presenting Officer holding for Shri Ashok J. Chougule, learned Presenting Officer for the Respondents.**

**CORAM : M.A. Lovekar, Member (J)**

**DATE : 25.04.2022.**

**JUDGMENT**

1. Perused Application, Reply of Respondent No.1 (at pages 54 to 63), Reply of Respondent No.2 (at pages 64 to 83) and Rejoinders of the Applicant (at pages 84 to 90).

2. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer holding for Shri A.J. Chougule learned Presenting Officer for the Respondents.

3. By order dated 23.02.2021 (exhibit 1) the Applicant was promoted to the post of Police Inspector and posted at Pimpri Chinchwad Police Commissionerate.

4. It is the contention of the Applicant that he had been to the place of his new posting on 08.03.2021 as is reflected in the document at page 35 of the record.

5. According to the Applicant, inspite of the order dated 23.02.2021 he was not allowed to join on the new posting and he had to make representations (exhibit C & D).

6. The Applicant has placed on record at exhibit E the order dated 03.06.2021 which shows that the Applicant could not be accommodated on the new posting because there were persons who were already in excess there.

7. At exhibit F there is an order which is impugned in this Application. By this order the Applicant was posted in Pune City Commissionerate by modifying the earlier order of his posting in Pimpri Chinchwad Commissionerate. The modified posting is stated to be temporary.

8. Grievance of the Applicant is that the persons who were junior to him were accommodated. To support this submission, reliance is placed on exhibit G.

9. On 27.07.2021, the Applicant lastly made representation (exhibit H collectively). In last Para of this representation the Applicant stated “यासर्व बाबीवरून मला जाणुन-बुजुन हेतु पुरस्सर पिंपरी-चिचवड आयुक्तलयात हजर होणे पासुन प्रतिबंध केला आहे. मी सध्या आपल्या आदेशान्वये पुणे शहर येथे हजर झाली आहे. तरी मला पिंपरी-चिचवड आयुक्तालयात पोलीस निरीक्षक पदाच्या जागा रिक्त होताच सदर ठिकणी बदली होणेस मि नम्र विनंती करीत आहे.”

10. Contents of Para 25 of Affidavit-in-Reply of Respondent No.2 read as under:-

“With reference to ground no. 7.9, I say and submit that the contents therein are false and hence denied. In this regards present Respondent further say and submit that, Even, prudent person of average intelligence fails to understand as to why Applicant is adamant on posting at PCPC and not at Pune City which is equally suitable in all respects otherwise. As is evident from Select List for the year 2020-2021 dated 2/07/2021 issued by Respondent No.1 DG Office showing the name of total 8 Officer presently of PCPC Presently working as PI from serial no 179 to 186 are under the zone of promotion in the rank of ACP/DYSP from PI s incoming future soon and resultantly total 8 posts of PI are going to be vacant. The Applicant, may certainly be considered by Respondent No.1 DG for being posted as PI at PCPC from his present ad-hoc posting at Pune City vide earlier order dated 10/06/2021, very soon and as and when, the said sure contingency takes place on top most priority with the concurrence of his to subordinate heads i.e. CP PCPC and Pune City considering all these various representations repeatedly submitted by Applicant viz on 23/06/2021 to Respondent No 2 CP PCPC ,and Respondent No 1 DG on 27/06/2021 and also earlier representations repeatedly submitted by Applicant on dated 16/03/2021 and 9/04/2021 to Respondent No 2 and 1.It is pertinent to note that impugned order dated 10/06/2021 posting Applicant on his own free second choice on 7/06/2021 at Pune City instead of PCPC is on Temporary Basis given and till further order in this regard is going to be issued by Respondent No 1. In due course, as the case may be.”

11. From the afore-quoted pleading of Respondent No.2 it becomes apparent that grievance of the Applicant i.e. his posting at Pimpri Chinchwad Commissionerate will be redressed soon. There is no reason to conclude that Respondent No.2 shall not stick to what is stated in his Affidavit in respect of posting the Applicant at Pimpri Chinchwad Commissionerate when the vacancy to do so arises.

12. It is submitted by learned Advocate Shri K.R. Jagdale that case of the Applicant for posting him at Pimpri Chinchwad Commissionerate, can be considered during ensuing annual general transfer so that his grievance would be redressed without further loss of time.

13. Considering contents of Para 25 of Affidavit-in-Reply of Respondent No.2 which are quoted hereinabove the Application can be disposed by passing the following order.

**ORDER**

The Original Application is allowed in the following terms-

- A) Respondent Nos.1 & 2 shall accommodate the Applicant on the post to which he was transferred by order dated 23.02.2021, at the earliest and they shall make endeavor to accommodate him during the ensuing annual general transfers.
- B) No order as to costs.

**Sd/-  
(M.A. Lovekar)  
Member (J)**

Place: Mumbai  
Date: 25.04.2022  
Dictation taken by: N.M. Naik.

Uploaded on: \_\_\_\_\_