

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI

ORIGINAL APPLICATION NO.256 OF 2016

DISTRICT : PUNE

Dr. Lalit Gangaram Pandule. )  
Age : 56 Yrs, Occu. Sr. Police Inspector, )  
R/o. New Sanghavi, Adarsh Nagar, )  
Flat No.22, Sai Chowk, Shitole Mala, )  
Pune 411 027. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through the Addl. Chief Secretary, )  
Home Department, )  
Mantralaya, Mumbai - 400 032. )
2. The Director General of Police. )  
Shahid Bhagat Singh Road, M.S, )  
Mumbai. )
3. The Superintendent of Police, )  
Pune Rural, Pune. )
4. Shri Ergunda Satgunda Patil. )  
Police Inspector, Kamshet Takave )  
Police Station, Tal.: Mawal, Near Old )  
Bombay Pune Road and Lonawala )  
Pune Rural, Pune. )...**Respondents**

  
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**Shri R.M. Kolge, Advocate for Applicant.**

**Ms. N.G. Gohad, Presenting Officer for Respondents 1 to 3.**

**Smt. Punam Mahajan, Advocate for Respondent No.4.**

**CORAM : R.B. MALIK (MEMBER-JUDICIAL)**

**DATE : 23.08.2016**

### **JUDGMENT**


1. This Original Application (OA) is brought by a Senior Police Inspector (Sr. P.I.) who was aggrieved by the order of transfer from Kamshet Takave Police Station in Pune Rural to Nanvij Daund. The Respondent No.4 being the private Respondent is now posted at Kamshet Takave. The provisions of Section 22 N of the Maharashtra Police Act, 1951 were required to be considered and applied. As I shall be presently pointing out, as a result of an event pending OA, this OA has become infructuous and there is no other alternative but to hold so.

2. I have perused the record and proceedings and heard Shri R.M. Kolge, the learned Advocate for the Applicant, Ms. N.G. Gohad, the learned Presenting Officer (P.O) for the Respondents 1 to 3 and Smt. Punam Mahajan, the learned Advocate for Respondent No.4.



3. The facts to the extent now necessary to be set out are that the Applicant came to be posted as Senior P.I. at Police Station, New Kamshet Takave in Pune Rural. He was involved in an unsavory incident and was departmentally punished by the disciplinary authority with stoppage of the next increment for two years which was reduced in appeal to the period of one year. This appellate order was made on 30<sup>th</sup> December, 2015. On 18<sup>th</sup> February, 2016, by the order he came to be transferred to the Police Training Centre, Nanvij, Daund.

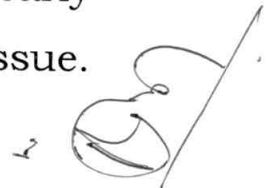
4. The above referred order of transfer was challenged on various grounds and at some stage, even the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 was also invoked. Now, it is really speaking not necessary for me to closely examine those aspects of the matter. As already indicated at the threshold, there has been an event pending this OA and in fact, that event took place when the OA was at an advanced stage of hearing and become part heard. It so happened that, by a request letter of 4.7.2016, the Applicant asked for transfer to one of the three places indicated by him viz. Pune Rural, Pune City and Ahmednagar. He had indicated that he was a decorated



Officer with 565 awards and 22 letters of appreciation and he also had to take care of the matrimonial prospects of his elder daughter. By the order of 8.7.2016 whereby as many as 52 Police Personnel came to be transferred, the Applicant was transferred to Ahmednagar and Shri Ashok N. Thorat replaced the Applicant at Police Training Centre, Nanvij. The principal, Police Training Centre, Nanvij relieved the Applicant on 12.7.2016 (A.N). I was informed at the Bar that the Applicant has since reported at Ahmednagar. The letter of request of 4.7.2016, order dated 8.7.2016 and the relieving order dated 12.7.2016 are marked as Exh. 'A' collectively for facility (1 to 6).

5. It is, therefore, very clear that so long as the OA remained pending, a fact quite relevant to the matter of transfer of the Applicant took place and the Tribunal cannot shut the judicial eyes towards that event. Mr. Kolge, the learned Advocate for the Applicant was insistent on getting the OA as originally brought adjudicated. According to him, the Applicant had a very good case on merit in so far as the OA as originally brought was concerned.

6. Now, in my view, it has to be quite clearly understood that I am not deciding any academic issue.



The facts at issue are to be decided on the basis of the facts on record and they are, as they call, hard facts. When on account of an action of the Applicant himself of making a request for transfer, which request has been accepted and he has been accommodated at Ahmednagar, then the original cause of action will obviously not survive whatever the Applicant or Mr. Kolge might say. On the practical side, in view of this subsequent event, the OA as originally brought can even otherwise not to be decided. Assuming for the sake of argument, if the OA was allowed, then the outcome will be too vexed to be surmounted. The post that the Applicant was earlier transferred from and the post at the Police Training Centre are now been manned by the Respondent No.4, and Shri Thorat. How to practically work it out will be as I have said a vexed issue and it will not be even legally permissible to be adjudicated because it is not as if the Applicant himself did not ask for the transfer. Ahmednagar after-all was a place of his choice though mentioned at Serial No.3 after Pune Rural and Pune City. It is not just at the stage of request but the subsequent events have been consummated and he has even reported at Ahmednagar. Therefore, I do not think, there is any other-go but to hold which I do hereby do that the OA has become infructuous.

A handwritten signature in black ink, consisting of a stylized initial 'M' followed by a horizontal line extending to the right.

7. This Original Application is disposed off as infructuous for the reasons above stated with no order as to costs.

Sd/-

**(R.B. Malik)**  
**Member-J**  
**23.08.2016**

*RM*  
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23-08-16

Mumbai

Date : 23.08.2016

Dictation taken by :

S.K. Wamanse.

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