

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.479 OF 2016**

**DISTRICT : SOLAPUR**

Shri Dipak Jotiram Patil. )  
Assistant Police Inspector working at )  
Karkhamb Police Station, Tal. Pandharpur )  
District : Solapur. )...**Applicant**

**Versus**

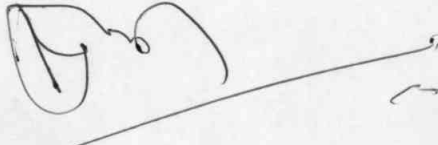
1. Additional Chief Secretary, )  
Home Department, Govt. of Mah., )  
Mantralaya, Mumbai - 400 032. )
2. The Director General of Police, )  
M.S, Shahib Bhagat Singh Road, )  
Colaba, Mumbai. )
3. The Superintendent of Police, )  
Solapur (Rural), Dist : Solapur. )...**Respondents**

**Shri D.B. Khaire, Advocate for Applicant.**

**Smt. K.S. Gaikwad, Presenting Officer for Respondents.**

**P.C. : R.B. MALIK (MEMBER-JUDICIAL)**

**DATE : 02.12.2016**

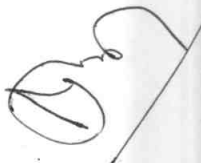


## JUDGMENT

1. The Applicant an Assistant Police Inspector (API) calls into question an order dated 24.5.2016 whereby he came to be transferred from Solapur Rural to Nagpur City and he seeks the relief of quashing and setting aside of the said order in so far as he was concerned.

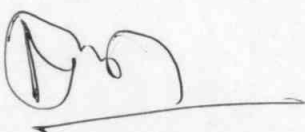
2. I have perused the record and proceedings and heard Mr. D.B. Khaire, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

3. The sum and substance of the case of the Applicant is that he has had a stint at Gadchiroli of about three years from 2010 to 2013. He came to be posted at Karkhamb on 7<sup>th</sup> December, 2013. He came to be transferred from there to Control Room on 4.4.2015. On 27.12.2015, he was reposted at Karkhamb by virtue of the order passed by the Bench of the Hon'ble Vice-Chairman in **OA 235/2015 (Shri D.J. Patil Vs. The State of Maharashtra and others, dated 18.11.2015** and thereafter, by the impugned order, he has been transferred to Nagpur which order as already mentioned above is being impugned herein.

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4. The Respondents have raised various pleas in supporting their action by way of the Affidavit-in-reply which stand was faithfully pursued at the time of addresses before me.

5. The issue of transfers of the Police Personnel in so far as this OA is concerned will be governed by the provisions of Section 22 N of the Maharashtra Police Act, 1951. As a matter of fact, in this matter also, a number of Officers came to be transferred by the same order. It is quite clearly an instance where the normal tenure had not been completed and still an order of transfer has been made. It is a matter of record that a number of Police Inspectors came to be transferred on the same day and two of them moved the Tribunal presided over by me in **OA 466/2016 and 467/2016 (Shri Arun R. Pawar Vs. The State of Mah. & 2 others and one another, dated 12.7.2016)**. The Hon'ble Vice-Chairman also decided a fasciculus of OAs, the leading one being **OA 471/2016 (Shri Appasaheb B. Lengare Vs. The State of Mah. & 3 others and other OAs, dated 26.8.2016)** in which he referred to my Judgment in the matter of **Arun Pawar** (supra). All the points that the Applicant seeks to raise hereby were raised therein and they were discussed. The case law that both the parties had relied upon was the



same there, as it is here. The various facts facets and the legal points pertaining to the legality and validity of the impugned order were the same in those matters as they are here. Although the learned PO strongly opposed this OA, but so long as the above referred Judgments hold the ground, I am very clearly of the view that there is no other go but to follow the same course of action.

6. For the foregoing, the impugned order of transfer stands hereby quashed and set aside in so far as it relates to the present Applicants. He had been reposted at the place he was transferred from. That will continue till he becomes due for transfer in accordance with law and rules. This Original Application is accordingly allowed in these terms with no order as to costs.

Sd/-  
**(R.B. Malik)**  
**Member-J**  
**02.12.2016**

2016

Mumbai  
Date : 02.12.2016  
Dictation taken by :  
S.K. Wamanse.