

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.488 of 2016

Shri Madan Kashinath Bahaddarpure,)
R/at D-902, DSK Chandradeep,)
Mukundnagar, Pune – 411 037.) ...Applicant

Versus

1. State of Maharashtra, Through)
Additional Chief Secretary, Home Dept.)
Mantralaya. Mumbai -32.)
2. The Commissioner of Police, Pune City,)
Police Commissioner Building, Near)
Sadhu Vaswani Mission, 1 Cannaught)
Road, Pune – 411001.)
3. Shri Dilip K. Kulkarni, Police Inspector)
(Crime), Kothrud Police Station, Paud)
Road, Shastri Nagar, Kothrud, Pune -58.)Respondents

Smt Punam Mahajan, Advocates for Applicant.

Smt Kranti Gaikwad , Presenting Officer for Respondents.

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

DATE : 24.01.2017

JUDGMENT

1. This Original Application is made by Senior Police Inspector calling into question his transfer from Bundgarden Police Station, Pune to Special Branch-1, Pune.

2. The present was an instance of mid-tenure transfer and the applicant had not completed the period of two years which is normal tenure. He had completed about 11 months. The transfer has been challenged on various ground including competence of the

authorities and the same being in contravention of the provision of Section 22N(1) of the Maharashtra Police Act, 1951.

3. The Respondents have not filed the Affidavit-in-Reply but the learned P.O. Smt Kranti Gaikwad made submissions at the bar opposing the Original Application.

4. The Hon'ble Chairman by his order dated 09.06.2016 granted interim relief and after some other orders in the ultimate analysis the applicant finally came to be posted back to the Bundgarden Police Station. Senior Police Inspector Shri Kulkarni who had earlier been notified as successor of the Applicant has now been transferred to Crime Branch by the order dated 05.08.2016, a copy of which is retained on record.

5. In view of the above referred developments, I am of the opinion in the first place that there should be no hitch in accepting the uncontroverted averments in the O.A.. Further, in as much as there have been no developments against the applicant from the date the interim relief was granted, I am of the opinion that the same can now be confirmed. The Respondents are directed to make sure that the Applicant continues to hold the post of SPI of Bundgarden Police Station, Pune till such time as he becomes due for transfer under the relevant provisions of law and rules. The interim order is now confirmed in the above terms. The Original Application is allowed in these terms with no order as to cost.

Sd/-

(R.B. Malik)
Member (J)
24.01.2017

Diction taken by :-vsm

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