

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.727 OF 2018

(Subject : Transfer)

Shri Amol Pandharinath Ahire,)
Occ. Police Head Constable at Police Head Quarter,)
Nashik City,)
R/at. MG 79, Sundarvan Colony, Lekha Nagar,)
Old CIDCO, Nashik 422 009)

....Applicant.

Versus

1. The State of Maharashtra,)
The Secretary,)
Home Department,)
Mantralaya, Mumbai.)

2. The Director General of Police,)
Shahid Bhagat Singh Marg,)
Colaba, Mumbai.)

3. The Commissioner of Police,)
Nashik City,)
Gangapur Road, Opposite K.T.H.M. College,)
Police Staff Colony, Nashik 422 002.)

.....Respondents.

Shri K.R. Jagdale, the learned Advocate for the Applicant.

Smt. Archana B.K., the learned Presenting Officer for the Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER(J)

DATE : 20.02.2019.

J U D G M E N T

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Applicant has approached this Tribunal challenging the rejection of his application by way of request to transfer him at Traffic Branch. By order dated 30.05.2018 his request has been rejected on the ground that he has not completed 5 years of tenure. The name of the Applicant is at serial No.36 of order dated 30.05.2018.

3. Learned Advocate Shri K.R. Jagdale for the Applicant submitted that the Applicant has already completed tenure of more than 5 years at headquarters and therefore his request for transfer to Traffic Branch ought to have been considered. He has also pointed out that by another order dated 30.05.2019, page 34 of the paper book, several Police Personnel though not completed 5 years tenure have been transferred. Advertently to these aspects learned Advocate Shri K.R. Jagdale submitted that applicant has been subjected to obvious discrimination.

4. Perusal of order dated 31.05.2018, page 31, Exhibit-D as well as order dated 30.05.2018, page 34, Exhibit-E of the paper book, reveals that Respondent No.3 has rejected the request of one set of employees on the ground that though have not completed 5 years tenure and at the same time has accepted the list of another set of employees though they have not completed 5 years tenure. As such applicants contentions that he has been subjected to discrimination cannot be said without substance.

5. At this stage, pertinent to note that the applicant has not made representation to the Respondent No.3 pointing out discrimination meted out to him so that Respondent No.3 can pass appropriate order on his representation. Applicant has approached Tribunal without exhausting alternative remedy of filing representation.

6. Now the general transfer of 2019 are also due therefore it would be appropriate to direct the applicant to make representation before Respondent No.3 pointing discrimination meted out to him and to seek transfer as General transfer are ensuing within two months. Respondent No.3 can consider the representation and may pass appropriate order. Learned P.O. Smt. Archana B.K. for the Respondents stated that representation if made by the Applicant will be considered on its own merits.

7. In view of the above, this Original Application is disposed of with following directions :

ORDER

- (a) Applicant is directed to make representation to Respondent No.3 within two week's from today.
- (b) Respondent No.3 is directed to decide the representation at the earliest or in ensuing general transfer of 2019 and pass appropriate order in accordance with law.
- (c) If applicant feels aggrieved by the order of Respondent No.3 he is at liberty to avail legal remedy in accordance with law.
- (d) No order as to costs.

Sd/-
(A.P. Kurhekar)
Member (J)

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