

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.1086 OF 2022**

**DISTRICT : NANDED**

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Monali w/o. Dipak Dhondphale,  
Age : 27 years, Occu. : Service  
presently working as Police Constable  
at Police Head Quarter Nanded,  
R/o. Police Head Quarter Nanded,  
Tq. & Dist. Nanded.

**...APPLICANT**

**V E R S U S**

- 1) The State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
- 2) The Superintendent of Police,  
Nanded, District, Nanded,  
Guru Gobind Singh Road,  
Vazirabad, Nanded.
- 3) The Superintendent of Police,  
Washim, District, Washim,  
Post Office Chowk, Near Bus Stand,  
Washim.

**...RESPONDENTS**

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**APPEARANCE** : Shri V.V.Deshmukh, Counsel for  
Applicant.

: Shri B.S.Deokar, Presenting  
Officer for respondent authorities.

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**CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN.**

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**DECIDED ON : 09.02.2023.**

**ORAL ORDER:**

1. Heard Shri V.V.Deshmukh, learned Counsel for the applicant and Shri B.S.Deokar, learned P.O. appearing for the respondents i.e. State authorities.

2. It is the grievance of the applicant that though the request of the applicant for her inter-district transfer has been considered by the competent authority and has been approved and though sufficient period has lapsed thereafter the respondent no.2 Superintendent of Police, Nanded has not relieved the applicant so that she can join on the establishment of Superintendent of Police, Washim.

3. It is not in dispute that the applicant is working as a lady Police Constable on the establishment of respondent no.2. It is further not in dispute that the applicant had applied for inter-district transfer and had sought her transfer to be made at Washim. It is further not in dispute that the request application so submitted by the applicant was considered by the competent authority as per the procedure prescribed in the G.R. dated 26-10-2017.

4. The reason as has been assigned by the respondent no.2 for not relieving the applicant is that there are vacancies in large number on the establishment of respondent no.2 and hence the applicant cannot be relieved.

5. During the course of arguments it has been brought to my notice that recruitment process has been carried out in the meanwhile and the process is on the verge of completion and appointments are likely to be made on vacant posts on the establishment of respondent no.2. It has also been argued that in no case for the reason that there are vacancies on the establishment, once the competent authority has approved/accorded approval for inter-district transfer, the applicant cannot be retained. Learned Counsel pointed out that the similar issue was raised before the Principal Bench of this Tribunal at Mumbai in O.A.No.774/2022 with other and this Tribunal has negated the similar argument advanced before the said Bench also. More particularly, my attention was invited to discussion made in paragraph 17 in the said order.

6. Learned P.O. has reiterated the contentions raised in the affidavit in reply filed on behalf of the respondents.

Learned P.O. submits that only reason for not relieving the applicant is the shortage of Police Constables on the establishment of S.P.Nanded. Learned P.O. submits that even in the impugned communication, it has been clarified that as and when the vacancy position will be improved, the employees will be relieved for joining in their choice districts in phases. The learned P.O. has, therefore, prayed for dismissal of the O.A.

7. After having considered the submissions of the parties and undisputed facts to which I have referred hereinabove, it appears to me that once the consent has been accorded by respondent no.2 for inter-district transfer of the applicant to district Washim, the same cannot be retracted on the ground as has been mentioned by respondent no.2. It also has to be considered that, in the meanwhile, the recruitment process has taken place and the said fact has not been denied or disputed by the learned P.O. Applicant has waited for sufficient long time i.e. almost for a year to join at the transferred place, she cannot be now compelled to wait for more period. The O.A., therefore, deserves to be allowed. Hence, the O.A. is allowed with the following order:

ORDER

- [i] Respondent No.2 shall relieve the applicant for joining the establishment of Superintendent of Police, Washim within 2 weeks from the date of this order.
- [ii] O.A. is allowed accordingly, however, without any order as to costs.

**VICE CHAIRMAN**

**Place : Aurangabad**  
**Date : 09.02.2023.**