

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 729/2023 (S.B.)

Kailas S/o Ramdas Jadhav,
Aged about 55 years,
Occ. Service, R/o Police Gymkhana,
Civil Lines, Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
Through it's Additional Chief Secretary,
Home Department,
Mantralaya, Mumbai- 400 032.
- 2) The Director General of Police,
Having its office Near Regal Theater,
Kolaba, Mumbai.

Respondents

Shri S.P.Palshikar, Id. Advocate for the applicant.

Shri S.A.Sainis, Id. P.O. for the respondents.

Coram :- Hon'ble Shri M.A.Lovekar, Member (J).

JUDGMENT

Judgment is reserved on 28th Feb., 2024.

Judgment is pronounced on 15th Mar., 2024.

Heard Shri S.P.Palshikar, Id. counsel for the applicant and
Shri S.A.Sainis, Id. P.O. for the Respondents.

2. Case of the applicant is as follows. By order dated 30.09.2021 (A-1) the applicant was promoted as Police Sub-Inspector, Group-B (Non-Gazetted) and transferred from the office of Superintendent of Police, Nashik (Rural) to the office of Superintendent of Police, Nagpur (Rural). On 23.03.2023 he made a representation (A-2) that on medical grounds of himself, elder brother and son he be transferred to a place of his choice. He gave two choices. By order dated 30.06.2023 (A-3) 104 Police Sub-Inspectors who were not due for transfer, were transferred on request as per choice given by them. Non-consideration of representation of the applicant for such transfer was in breach of Notification dated 14.07.2021 (A-4) which provides for change in Revenue Division by way of transfer *inter alia* on the ground of Heart Surgery of the employee's brother who is dependent on him, etc, after serving for one year in the Division. Brother of the applicant who is totally dependent on him had undergone Heart Surgery. This was stated in the representation. By order dated 17.12.2023 (A-5) the applicant was informed that his representation was turned down by P.E.B.-2. No reason was, however, assigned therefor. Hence, this Original Application.

3. To resist the O.A. reply of Dy. Superintendent of Police, Head Quarter, Nashik, Rural is placed on record. Stand taken in this reply is

that requests for transfer were considered keeping in view reasons furnished and vacancies for accommodating the employees as per their choice. As per Clause 8 of Notification dated 14.07.2021 the applicant was not due for transfer. He was required to serve for three years in the Division. It was not possible to accommodate the applicant on either of the establishments given by him as his choice.

4. The main ground on which communication dated 17.12.2023 is impugned is that it does not spell out any reason for rejection of representation of the applicant. This communication shows that representation of the applicant was placed before P.E.B.-2. There is nothing on record to conclude that while dealing with representation of the applicant P.E.B.-2 had not considered its merits. No case is, therefore, made out to interfere with the impugned order. **The O.A. is accordingly dismissed with no order as to costs.**

Member (J)

Dated :- 15/03/2024
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 15/03/2024
and pronounced on

Uploaded on : 18/03/2024