

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO. 975 OF 2016**

DISTRICT :PUNE

Shri Raju Thansing Chavan)
Age- 43 Years,)
Working as Police Inspector)
(one step promotion),)
Residing at D/8, Srinagar,)
Shivtirth nagar,)
Kalewadi Main Road, Pimpri,)
Pune- 411 017.)...**Applicant**

VERSUS

1. State of Maharashtra)
Through Chief Secretary,)
Mantralaya, Mumbai – 400 032.)

2. Additional Chief Secretary,)
Home Department,)
Mantralaya, Mumbai – 400 032.)

3. The Director General of Police, Anti)
Corruption Bureau, Maharashtra State)
6th Floor, Sir Pochkhanwala Road,)
Warli Police Camp, Worli,)
Mumbai – 400 030.)...**Respondents**

Smt. Punam Mahajan, learned Advocate for the Applicant.

Shri K. B. Bhise, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal, Vice-Chairman

DATE : 17.01.2017

PER : Shri Rajiv Agarwal, Vice-Chairman

ORDER

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri K. B. Bhise, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging the transfer by order dated 26.9.2016 transferring the Applicant from Anti Corruption Bureau (A.C.B.), Pune to A.C.B., Mumbai.

3. Learned Counsel for the Applicant argued that the Applicant is posted to A.C.B. as Police Inspector on one step promotion. The Applicant was transferred to A.C.B., Pune from Mumbai on his request by order dated 3.6.2016. Learned Counsel for the Applicant argued that the Applicant was posted to Pune in place of Shri B.L. Raut. One Smt. Archana P. Daundkar was also posted to A.C.B., Pune in place of Smt. Archana Bodade. By order dated 3.9.2016, the transfer order of Smt. Archana Bodade was cancelled by this Tribunal. As consequence, transfer order of the Applicant from Mumbai to Pune was cancelled. Learned Counsel for the Applicant argued that the Applicant was transferred in

the post vacated by Shri B.L. Raut. He was, therefore, not liable to be transferred back to Mumbai on cancellation of transfer of Smt. Bodade. In fact, Smt. Archana P. Daundkar was posted in the vacancy caused by transfer of Smt. Bodade out of Pune and her transfer to Pune should have been cancelled.

4. Learned Presenting Officer (P.O.) argued that the Applicant was transferred to Pune from Mumbai on his own request. Learned P.O. stated that by order dated 3.6.2016 the Applicant was transferred from A.C.B., Mumbai to A.C.B., Pune. He joined at A.C.B., Pune on 9.6.2016 in a vacant post. It cannot be said that the Applicant was transferred vice Shri B.L. Raut. Smt. Archana P. Daundkar joined at A.C.B., Pune on 4.6.2016. She was not posted vice Smt. Archana Bodade. Learned P.O. argued that there is no substance in the O.A. and the Applicant transfer to A.C.B., Pune has been cancelled as transfer of Smt. Bodade from A.C.B., Pune was cancelled by order of this Tribunal dated 26.8.2016.

5. It is seen that the Applicant is claiming that he was transferred to A.C.B., Pune vice (in place of) Shri Raut. As it happens, both the Applicant and Shri Raut were transferred by the same order dated 3.6.2016. However, that doesnot necessarily means that the Applicant was transferred vice Shri Raut. Otherwise that fact would have been mentioned in the order dated 3.6.2016. There are no

identifiable posts of Police Inspectors in A.C.B, Pune. Two persons viz. the Applicant and Smt. Daundkar were posted to A.C.B., Pune and two persons viz. Shri Raut and Smt. Bodade were transferred out of Pune. Transfer order of Smt. Bodade was cancelled by order of this Tribunal and she was required to be posted back to Pune. As a consequence, the Respondents decided to cancel the transfer of the Applicant from Mumbai to Pune. The contention of the Applicant that he was posted in place of Shri Raut and Smt. Daundkar was posted in place of Smt. Bodade has no basis. Unless the posts were identifiable and the Applicant was posted in place of Raut, no such conclusion is warranted.

6. There is no merit in the present Original Application and it is dismissed with no order as to costs.

(RAJIV AGARWAL)
(VICE-CHAIRMAN)

Date : 17.01.2017

Place : Mumbai

Dictation taken by : SBA

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