

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**REVIEW APPLICATION NO 39 OF 2015
IN
ORIGINAL APPLICATION NO 191 OF 2015**

DISTRICT : PUNE

Shri Narayan Mohan Sarangkar,)
Occ : Police Inspector,)
Transferred to Control Room,)
Pune. R/o: Aranyeshwar Park,)
Sahakar Nagar, Pune.)...**Applicant**

Versus

1. The Superintendent of Police,)
Pune [Rural].)
2. The State of Maharashtra,)
Through Principal Secretary)
Home Department,)
Mantrelaya, Mumbai 400 032.)...**Respondents**

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Shri A.V Bandiwadekar, learned advocate for the Applicant.

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

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 05.01.2016

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. This Review Application has been filed by the Applicant seeking modification in the order dated 26.10.2015 in O.A no 191/2015 to the extent that the Applicant be allowed to hold additional charge of the post of Incharge Police Inspector, Paud Police Station, Pune.

3. Learned Counsel for the Applicant argued that the Applicant was holding additional charge of the post of Incharge Police Inspector, Paud Police Station when he was transferred to Police Control Room, Pune by order dated 5.3.2015. This Tribunal in para 7 has observed that the Respondent no. 1 was well within his powers to


withdraw additional charge of the Paud Police Station in the wake of a default report. However, the Respondent no. 1 had by then received a preliminary enquiry report, which has more or less found there was no substance in the default report. This preliminary enquiry report was not placed before this Tribunal by the Respondent no. 1, which has resulted in this Tribunal holding as valid the decision of the Respondent no. 1 withdrawing additional charge of Paud Police Station from the Applicant. Learned Counsel for the Applicant contended that this Tribunal may modify the order dated 5.3.2015 and hold that withdrawal of additional charge of Paud Police Station from the Applicant was invalid.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondent that the Applicant has not been able to point out any error in the order of this Tribunal. By order dated 26.10.2015, this Tribunal has held that the Applicant's regular posting was Police Inspector, National Highway Traffic Division, Yewat and subsequent transfers/postings were without authority of law. Learned Presenting Officer argued that the Applicant has not challenged the aforesaid finding and there is no cause of action. No Government servant can demand additional charge of a post as a matter of right. Learned Presenting Officer contended that if Review Application is allowed, it would amount to this Tribunal transferring the Applicant to Paud Police Station. Learned Presenting



Officer argued that the Applicant wants to reopen the Original Application. In fact his claim that in the preliminary enquiry conducted by Additional S.P, Baramati, he was exonerated is also not correct. In fact, the Addl. S.P, Baramati, has recommended that departmental action may be taken against the Applicant and by order of the Special Inspector General of Police, Kolhapur, he has been given 'strict warning'.

5. The scope of a Review Application is quite limited. Hon'ble Supreme Court in the matter of Ajit Kumar Rath Vs. State of Orissa & others (1999) 9 SCC 596, has held that a review can be undertaken only when an error of fact or law stares in the face of it. The Applicant has not been able to point out any such error in the order dated 26.10.2015. He is, seeking additional charge of the Paud Police Station in this Review Application. It is not understood as to how this Tribunal can order entrustment of additional charge to a Government servant. No doubt, this Tribunal has made certain observations about withdrawal of additional charge of Paud Police Station from the Applicant due to a default report submitted by Additional S.P, Pune. It is seen that the gravity of charge was found to be much less in a subsequent Preliminary Enquiry conducted by another Officer, viz., Addl. S.P, Baramati. However, the Applicant was not found free from blemish and it appears that 'strict warning' was issued to him by Special



Inspector General of Police, Kolhapur Range on the report dated 17.8.2015 from the Respondent no. 1 about his working at Paud Police Station. To claim that the decision of this Tribunal was erroneous will be totally contrary to the facts. In any case, the issue involved in the Original Application was transfer under the provisions of the Maharashtra Police Act and not the additional charge. On that count, the Applicant has not been able to point out any error. I agree with the contention of learned Presenting Officer that it is within the powers of the Respondent no. 1 to entrust additional charge of a vacant post to any officer and any interference in such matters by this Tribunal is unwarranted.

6. The Applicant has not been able to make out any case to review this Tribunal's order dated 26.10.2015 in the Original Application. This Review Application is accordingly dismissed with no order as to costs.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 05.01.2016
Dictation taken by : A.K. Nair.