

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.1207 OF 2024**

**DISTRICT : MUMBAI**

**Sub.:- Transfer**

Smt. Anjali Umesh Gawade. )  
Age : 30 Yrs, Occu.: Service, )  
R/o/ A/201, Mahaveerdham, )  
Pleasant Park, Opp. Fashion Factory Mall )  
Mira Road (E) – 400 107. )...**Applicant**

**Versus**

1. The Deputy Commissioner of Police, )  
Having Office at Teen Hath Naka, )  
L.B.S. Marg, Naupada, )  
Thane (W) – 400 604. )
2. The Additional Commissioner of )  
Police (Admn.), Thane City, )  
Kharkar Ali, Near Kalwa Bridge, )  
Thane – 400 601. )
3. The Commissioner of Police, )  
Thane City Police Commissionerate, )  
Having Office at Kharkar Ali, )  
Near Kalwa Bridge, Thane – 400 601.)
4. The State of Maharashtra. )  
Through Addl. Chief Secretary, )  
Home Department, Madam Cama )  
Road, Opp. Mantralaya, )  
Mumbai – 400 032. )...**Respondents**

**Shri G.M. Savagave, Advocate for Applicant.**

**Smt. K.S. Gaikwad, Presenting Officer for Respondents.**

**CORAM : Shri M.A. Lovekar (Vice-Chairman)**

**DATE : 04.03.2025**

**JUDGMENT**

1. Heard Shri G.M. Savagave, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The Applicant was holding the post of Head Constable. By order dated 18.12.2023, she was transferred from Thane City to Traffic Branch. By the impugned order dated 31.08.2024, the Respondent No.3 transferred the Applicant to the Office of Commissioner of Police of Thane City. Before the impugned order was passed, on 10.07.2024, the Applicant was served with a Show Cause Notice. To this Show Cause Notice, the Applicant gave a detailed Reply dated 23.07.2024 and denied that she had committed any default. On 02.09.2024 and 05.09.2024, she made Representations. By order dated 07.09.2024, the punishment of 'Strict Warning' was imposed on her by Respondent No.1.

According to the Applicant, the impugned order of her transfer was passed arbitrarily. Hence, this Original Application.

3. The stand of Respondent No.3 is as follows :-

Provisions of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' do not apply to Police Personnel. A Show Cause Notice was issued to the Applicant on account of default committed by her. After considering her Reply to the Show Cause Notice, punishment of 'Strict Warning' was imposed on her. Her case for premature transfer was considered by the PEB, PEB came to the conclusion that it was necessary to transfer her and therefore by exercising powers under

Section 22N(2) of the 'Maharashtra Police Act, 2015', the Applicant was transferred. Thus, the impugned order of transfer was passed in public interest and on account of administrative exigency. For these reasons, no exception can be taken to it.

4. It was argued by Shri G.M. Savagave, learned Advocate for the Applicant that for default said to have been committed by the Applicant, punishment of 'Strict Warning' was imposed on her, in this factual background there was no need to transfer her on the same grounds which were contained in the Show Cause Notice which preceded imposition of punishment of 'Strict Warning'.

5. In Reply, it was submitted by the learned PO that the Competent Body i.e. PEB considered each and every aspect of the case of the Applicant and concluded that it was necessary to transfer the Applicant on account of administrative exigency and public interest.

In Show Cause Notice dated 10.07.2024, there is reference to several instances relating to undisciplined behavior of the Applicant. As per Show Cause Notice, the Applicant used to decline to perform assigned duties, complaints were received against her that her behavior with citizens was rude, she used to show reluctance to perform Bandobast Duty, at a public place she had made a Video Recording of an incident and made it viral, etc.

6. Perusal of minutes of meeting of PEB held on 31.08.2024 shows that in this meeting also the instances which were narrated in the Show Cause Notice served on the Applicant, were considered. Other material was also taken into account. Perusal of minutes of the meeting shows that relevant material was considered and decision was taken to transfer the Applicant in public interest and for administrative exigency.

7. On considering the entire material on record, I have come to the conclusion that the impugned order of transfer of the Applicant does not suffer from any infirmity. Hence, no interference with it is called for. The Original Application is therefore dismissed with no order as to costs.

Sd/-

**(M.A. LOVEKAR)**  
**Vice-Chairman**

Mumbai

Date : 04.03.2025

Dictation taken by :

S.K. Wamanse.

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