

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 947 OF 2023**

**(Subject – Transfer)**

**DISTRICT : AURANGABAD**

- 1. Kiran Sadashiv Rathod,**  
Age : 31yrs., Occ. Service as Police Naik,  
At Railway Police Station, Nanded,  
Aurangabad Railway District,  
R/o Railway Police Station, Nanded,  
Railway District - Aurangabad,
- 2. Shahanvaz Abdul Sattar,**  
Age 32 yrs., Occ. Service as Police Naik,  
At Railway Police Station, Parali,  
Aurangabad Railway District,  
R/o Railway Police Station, Parali,  
Railway District - Aurangabad,
- 3. Dharti Harichand Thawakar,**  
Age: 30 yrs., Occ. Service as Police Naik,  
at Railway Police Station, Aurangabad,  
Aurangabad Railway District,  
R/o Railway Police Station, Aurangabad,  
Railway District - Aurangabad,
- 4. Vandana Lahuji Bisen,**  
Age: 30 yrs., Occ. Service as Police Naik,  
At Railway Police Station, Parli,  
Aurangabad Railway District,  
R/o Railway Police Station, Parli,  
Railway District - Aurangabad,
- 5. Sweta Nilkanth Manwatkar,**  
Age: 30 yrs., Occ. Service as Police Naik,  
At Railway Police Station, Nanded,  
Aurangabad Railway District,  
R/o Railway Police Station, Nanded,  
Railway District - Aurangabad,

6. **Anshu Shankar Raut,**  
Age: 30 yrs., Occ. Service as Police Naik,  
At Railway Police Station, Manmad,  
Aurangabad Railway District,  
R/o Railway Police Station, Manmad,  
Railway District - Aurangabad,
7. **Vishnu Maroti Gonnade,**  
Age: 30 yrs., Occ. Service as Police Naik,  
At Railway Police Station, Aurangabad,  
Aurangabad Railway District,  
R/o Railway Police Station, Aurangabad,  
Railway District - Aurangabad,
8. **Kalpana Arun Raut,**  
Age: 30 yrs., Occ. Service as Police Naik,  
At Railway Police Station, Parali Vaidyanath,  
Aurangabad Railway District,  
R/o Railway Police Station, Parali Vaidyanath,  
Railway District – Aurangabad.
9. **Laxman Dhondu Pawar,**  
Age: 30 yrs., Occ. Service as Police Naik,  
At Railway Police Station, Parali Vaidyanath,  
Aurangabad Railway District,  
R/o Railway Police Station, Parali Vaidyanath,  
Railway District - Aurangabad,
10. **Geeta Govindsingh Rathod,**  
Age: 30 yrs., Occ. Service as Police Naik,  
At Railway Police Station, Nanded,  
Aurangabad Railway District,  
R/o Railway Police Station, Nanded,  
Railway District - Aurangabad,

.... **APPLICANTS**

**V E R S U S**

1. **State of Maharashtra,** )  
Through its Additional Chief Secretary, )  
Home Department, Mantralaya, )  
Mumbai- 400032. )

- ## ... RESPONDENTS

: Shri D.M. Hange, Presenting Officer for respondent authorities.

**DATE : 10.06.2024**

3. By way of filing the present Original Application, the applicants (10 in numbers) seeking directions to the respondents

to effect their transfer from Aurangabad Railway District to Nagpur Railway District without loss of seniority.

4. Brief facts as stated by the applicants giving rise to the present Original Application are as follows :-

(i) The applicants had joined the services as Police Constable under respondent No. 3 during the years 2014 and 2018. There were three Railway Districts in the State of Maharashtra and they were (i) Mumbai, (ii) Pune and (iii) Nagpur. The transfers and postings of the Police Constabulary up to the stage of Assistant Sub-Inspector of Police are within the respective Railway Police District only and inter-Railway District transfers are not contemplated. The respondent No. 4, who is the appointing, as well as, the disciplinary authority of the applicants having overall control over postings and transfers within the erstwhile Nagpur Railway District. All the applicants are hailing from Vidharbha Region and especially Nagpur and nearby revenue districts. They are born and brought up in Vidharbha Region and they have been rendered services in Vidharbha Region.

(ii) By issuing G.R. dated 10.05.2018, Home Department, the State of Maharashtra has created a new Railway District i.e. Aurangabad Railway District, which has jurisdiction from Shegaon in Buldhana District up to Igatpuri in Nashik District. It has also included Nanded and Parali Vaijanath of Beed District. In view of the bifurcation by creating a new Aurangabad Railway District, as per G.R. dated 16.02.2019, 743 posts of policemen were surrendered from the establishment of Nagpur Railway District to Aurangabad Railway District. According to the applicants, the incumbents who eventually working at the place of their respective postings, were continued under respective Railway Districts, as it may be Nagpur Railway District or newly created Aurangabad Railway District. Consequently, it has been resulted into retention of incumbents in Aurangabad Railway District, who are hailing from Nagpur Region.

(iii) It is the further case of the applicants that there are no modalities prescribed under G.R. dated 16.02.2019 for enabling the transfers and postings of the incumbents posted in Aurangabad Railway District to Nagpur Railway District and *vice a versa*. In consequence thereof, their

families including school going children or spouses serving at or within the jurisdiction of Nagpur Railway District suffers extreme inconvenience. Hence, the present Original Application.

5. Learned counsel for the applicants submits that dealing with the same facts and same prayers in connection with the Police Constabulary on the establishment of Superintendent of Police (Railways), Aurangabad, this Tribunal by judgment and order dated 17.04.2024 has passed the following order :-

- “(i) The Original Application is hereby partly allowed.*
- (ii) Respondent No. 1 i.e. the State of Maharashtra is hereby directed to formulate a separate policy to redress the grievance of the policemen like the present applicants, who have suffered due to the bifurcation of the Railway District Nagpur and creation of a new Railway District Aurangabad, within a period of six months from the date of this order.*
- (iii) Meanwhile, the respondents are hereby directed to consider the request applications made by the applicants for their transfer from Aurangabad Railway District to Nagpur Railway District without loss of seniority by giving precedence to them.*
- (iv) In the circumstances there shall be no order as to costs.*
- (v) Original Application is accordingly disposed of.”*

6. Learned counsel for the applicants submits that the present Original Application can be disposed of by giving the similar directions to the respondents.

7. Learned Presenting Officer submits that since this Tribunal has taken a view as aforesaid in the identical facts with same prayers in O.A. No. 329/2023, the present Original Application may be disposed of subject to the similar submissions made and recorded in the aforesaid O.A. No. 329/2023 on behalf of the respondent authorities.

8. In the peculiar facts of the case, allocation of the services of the applicants permanently under respondent No. 3 and posting orders issued by respondent No. 4 without involving mechanism, those who are hailing from Nagpur Region has been impugned in the present Original Application. Initially there are three Railway Districts in the State of Maharashtra and they were (i) Mumbai, (ii) Pune and (iii) Nagpur. By G.R. dated 10.05.2018 (Annexure A-1), issued by the Home Department of State of Maharashtra, Nagpur Railway District was bifurcated and a new Aurangabad Railway District was created. In view of the aforesaid bifurcations of Nagpur Railway District and creation of new Aurangabad Railway District, majority of the area now forming

part of Aurangabad Railway District is remained within the jurisdiction of Nagpur Railway District. On careful perusal of the G.R. dated 10.05.2018, it appears that Aurangabad Railway District consisting of Manmad Sub-Division, which further consisting of Police Station Shegaon, Bhusawal, Chalisgaon, Nandurbar, Nashik Road and Igatpuri and Jalna Sub-Division consisting of Aurangabad, Nanded and Parali Vaijanath. Consequently, the applicants who are working in erstwhile Nagpur Railway District, which area consisting of Police Station Gondiya to Police Station Parali Vaijanath so also Igatpuri fall exclusively within the Railway District Aurangabad.

9. On careful perusal of the G.R. dated 16.02.2019 (Annexure A-3) issued by the Home Department of State of Maharashtra, it appears that the police force available under respondent No. 4 i.e. the Superintendent of Police Railways, Nagpur came to be bifurcated and 743 posts of the policemen were surrendered from the establishment of Nagpur Railway District to Aurangabad Railway District.

10. In the erstwhile Railway District Nagpur considering the vast area covered under Nagpur Railway District for example from Police Station Gondiya i.e. extreme end of Vidarbha Region



to Police Station Parali Vaijanath i.e. from Marathwada Region and as such, there was no need of inter district transfers, when other two railway districts i.e. from Mumbai and Pune apparently the policemen from Nagpur and Aurangabad Region were mostly appointed and posted in erstwhile Railway District Nagpur. Unfortunately, however while creation of new Railway District Aurangabad, a care has not been taken to prescribe modalities, formulation of policy / methodology to consider the grievance of the Police staff members working in the erstwhile Railway District Nagpur.

11. It appears that by memorandum dated 25.09.2018 (Annexure A-2), the office of respondent No. 4 has called upon the policemen to submit their request applications for inter district transfers and even though the applications came be submitted in response to the said memorandum by policemen including the applicants, for want of clear vacancies, the said attempt seems to have been not worked out satisfactorily. In my considered opinion, even the G.R. dated 26.10.2017 may not be adequate to redress the grievance of the policemen like the present application, who are the sufferers because of the surrender of 743 posts from the establishment of Nagpur Railway District to Aurangabad Railway District. In terms of the G.R. dated

26.10.2017, 5% quota of the sanctioned strength is required to be considered for inter district transfer and the same also subject to the condition of availability of vacancy in Nagpur Railway District. In view of the same, it is just impossible to consider the grievance of the policemen like the present applications, who are working in Railway District Aurangabad due to the bifurcation of Nagpur Railway District and creation of a new Railway District Aurangabad in the year 2018, when there are no further hopes of their inter district transfers in near future.

12. In view of above discussion, this Tribunal left with no other choice but to direct the State of Maharashtra to formulate a separate policy in a time bound manner to redress the grievance of the policemen like the applicants, who have suffered due to the bifurcation of the Railway District Nagpur and creation of a new Railway District Aurangabad. Meanwhile, it is also necessary to direct the respondent authorities to consider the request applications made by the applicants for their transfer from Aurangabad Railway District to Nagpur Railway District without loss of seniority by giving precedence to them. Hence, the following order:-

### **ORDER**

- (i) The Original Application is hereby partly allowed.

- (ii) Respondent No. 1 i.e. the State of Maharashtra is hereby directed to formulate a separate policy to redress the grievance of the policemen like the present applicants, who have suffered due to the bifurcation of the Railway District Nagpur and creation of a new Railway District Aurangabad, within a period of six months from the date of this order.
- (iii) Meanwhile, the respondents are hereby directed to consider the request applications made by the applicants for their transfer from Aurangabad Railway District to Nagpur Railway District without loss of seniority by giving precedence to them.
- (iv) In the circumstances there shall be no order as to costs.
- (v) Original Application is accordingly disposed of.

**PLACE : Aurangabad.**  
**DATE : 10.06.2024**

**(Justice V.K. Jadhav)**  
**Member (J)**