

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 562 OF 2016

DISTRICT : PUNE

Shri Kedar Laxman Vartak)
Occ : Service as PSI,)
Residing at 395, Kiran Society,)
Sahakar Nagar No. 1,)
Pune - 411 009.)...**Applicant**

Versus

1. The Director General of Police)
Shahid Bhagatsingh Marg,)
Mumbai 400 001.)
2. Additional D.G.P & Director)
of Police Wireless, M.S, Pune)
Dr. Homi Bhabha Road,)
Chavan Nagar, Pune 411 005)...**Respondents**

Shri C.T Chandratre, holding for Shri V.V Joshi, learned advocate for the Applicant.

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 07.09.2016

ORDER

1. Heard Shri C.T Chandratre, holding for Shri V.V Joshi, learned advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant seeking a direction to the Respondent to consider his request for transfer from Mumbai to Pune.

3. Learned Counsel for the Applicant argued that the Applicant was posted to Police Wireless as Assistant Sub-Inspector of Police from 17.5.2008. He was promoted as Sub-Inspector of Police from 5.1.2013, thus completing more than 8 years in Mumbai. For some personal reasons viz. looking after his old and ailing father and for looking for a suitable match for his marriageable daughter, the Applicant is seeking posting to Pune. He had submitted a representation to the Respondent no. 2 on 24.2.2016, seeking transfer to Pune. However, his request was not considered when order of transferring PSI in Police Wireless (Transport) was issued by the Respondent on 24.5.2016. Learned Counsel for the Applicant argued that Shri Sonawane, was transferred from Mumbai to Pune by the aforesaid order, though he had completed only 9 months at Mumbai. Learned Counsel for the Applicant argued that

there are a number of vacancies of PSI, Wireless (Transport) in Pune, where he can be transferred. He, therefore, prayed that the Respondents be directed to consider his representation for transfer to Pune afresh.

4. Learned Chief Presenting Officer (C.P.O) argued on behalf of the Respondents that the representation of the Applicant dated 24.2.2016 was considered by the Respondent no. 1. However, there are nine posts of P.S.I, Wireless (Traffic) vacant in Mumbai, the total number of posts in Mumbai being 51. Considering this aspect, it was not possible to consider the request of the Applicant to transfer him to Pune. As regards, Shri H.M. Sonawane, he was transferred as his father and wife were sick. Learned C.P.O argued that the Applicant is not seeking relief based on violation of any law by the Respondents. His representation has already been considered and rejected. There is no merit in the present Original Application

5. The only grievance of the Applicant appears to be that his representation for transfer to Pune has not been considered by the Respondents, though he is posted in Mumbai for eight years, while Shri Sonawane has been posted to Pune, though he has served in Mumbai only for 9 months. Shri Sonawane's request for transfer due to illness of his father and wife has been considered. However, on the same ground, i.e., illness and old age of

his father, the request of transfer of the Applicant has not been considered. There is truth in the submissions made by the Applicant. He is posted at Mumbai for a much greater length of time, but his representation was rejected by the Respondents, while, more or less on the same grounds Shri Sonwane's report was favourably considered. The representation of the Applicant for transfer to Pune have not been found worthy of consideration by the Respondents. This approach cannot be called even handed. The representation of the Applicant for transfer to Pune definitely deserves a second look.

6. Having regard to the aforesaid facts and circumstances of the case, the Respondents are directed to consider the representation dated 24.2.2016 from the Applicant afresh and take a decision thereon within a period of eight weeks from the date of this order. This Original Application is accordingly allowed with no order as to costs.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 07.09.2016
Dictation taken by : A.K. Nair.