

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 299 OF 2017**

DISTRICT : PUNE

Shri Kaluram Hari Sable,)
Occ : Police Naik at Otur Police Station,)
R/at Post Junnar, Tal-Junnar,)
Dist-Pune.)...**Applicant**

Versus

1. The Superintendent of Police,)
Pune Rural, Chavan Nagar,)
Pashan Road, Pune-8.)
2. The Deputy Superintendent of Police)
Head Quarter, Pune Rural,)
Chavan Nagar, Pashan Road,)
Pune-8.)
3. The Assistant Police Inspector,)
Otur Police Station, Tal-Junnar,)
Dist-Pune.)...**Respondents**

Shri K.R Jagdale, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

CORAM : **Shri Justice A.H Joshi (Chairman)**
RESERVED ON : **06.02.2018**
PRONOUNCED ON : **14.02.2018**

ORDER

1. Heard Shri K.R Jagdale, learned advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents

2. Applicant has approached this Tribunal with prayer as follows:-

“(a) By suitable order or directions this Hon’ble Tribunal may be pleased to quash and set aside the impugned transfer order dated 20.3.2017 passed by Respondent no. 2 with all other consequential service benefits forthwith.”
(Quoted from page 8 of O.A).

3. The applicant has placed on record transfer order dated 12.10.2015, and he relies station diary entry where due to oral directions applicant was continued by not relieving him.

4. Text of order dated 20.3.2017 read as follows:-

“आ दे श

“उपरोक्त सदभ व विषयास अनुसरून पोना/३८८, के. एच. साबळे, यांची मुळ नेमणुका पोलीसे, पुणे ग्रामीण सलग्न ओतुर पो. स्ट याचे गवातानेबाबते त्यांना त्याच मुळ नेमणुके ठिकाण परत करणेबाबत पो. नि. ओतुर पो. स्ट यांना विनंती केल आहे.

तरी प्रभारी अधिकारी, ओतुर पोस्ट यांनी पोना/३८८, के. एच. साबळे, यांना त्याचा मुळ नेमणुक ठिकण मुख्यालय येथे हजर होनेकामी तात्काळ मोकळी करून पुर्तता अहवाल या कार्यालयास सादर करावा.

(बरकत मुजावर)

पोलीस उप अधीक्षक, (मुख्यालय)

पोलीस अधीक्षक, पुणे ग्रामीण यांचे करिता”

(Quoted from Page, 17, Exh-D of O.A)

5. Applicant has challenged the order dated 20.3.2017, directing that he be relieved by averring certain grounds which has effect of arguing that:-

- (a) Even a change of posting is a transfer,
- (b) Transfer without consulting Civil Services Board is invalid.
- (b) Transfer on the ground of misconduct is to be based on prima facie strong complaints, or a substantiated complaint.

6. Respondents have appeared and filed affidavit in reply and pleaded that:-

- (a) Impugned transfer order is not a transfer order,
- (b) Applicant who was transferred way back in 2015, was not relieved. Now all that is done is that the said transfer order dated 12.10.2015 is implemented.

7. Applicant has filed his rejoinder. Respondents have also filed sur-rejoinder.

8. It is seen that the applicant has not pleaded or shown that the order of transfer dated 12.10.2015 was cancelled or revoked at any point of time.

9. In the aforesaid background, the impugned order is an order of relieving and not an order of transfer. Order of transfer was never withdrawn. The order of transfer dated 12.10.2015 is never changed nor any representation is shown to be pending.

10. Hence an order of relieving is not open to challenge. The grounds raised by the applicant are nothing but contentions which

are argumentative in nature, than legally available grounds and those do not have merit.

11. Hence Original Application is dismissed.

Sd/-
(A.H. Joshi, J.)
Chairman

Place : Mumbai
Date : 14.02.2018
Dictation taken by : A.K. Nair.