

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

ORIGINAL APPLICATION NO.461 OF 2016

DISTRICT : THANE

Mr. Ashok Mahabaleshwar Naik.)
Age : 53 Yrs., Occu.: Senior Police)
Inspector, Residing at Flat No.401,)
Shanti Ananya CHS, Sector 4-A,)
Plot No.1B, Koparkhairane, Navi Mumbai.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through the Secretary,)
Home Department, Mantralaya,)
Mumbai - 400 032.)
2. The Director General of Police.)
Shahid Bhagat Singh Marg,)
Colaba, Mumbai.)
3. The Police Commissioner for Navi)
Mumbai, Belapur, Navi Mumbai.)...**Respondents**

Shri K.R. Jagdale, Advocate for Applicant.

Ms. N.G. Gohad, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)



DATE : 07.10.2016

JUDGMENT

1. This Original Application (OA) is made by a Senior Police Inspector calling into question an order dated 24.5.2016 whereby and whereunder, he along with 69 other Officers came to be transferred mid-tenure though he was not due at all for the said transfer.

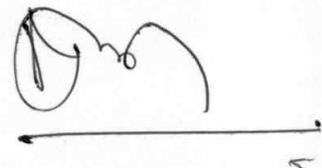
2. I have heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

3. On 31.5.2014, the Applicant came to be transferred from Bombay City to the post of Senior Police Inspector in Navi Mumbai Police Commissionerate at Koparkhairane. On 24.7.2015, he was transferred to Special Branch in Navi Mumbai. On 3.5.2016, he was transferred from there to Kamothe Police Station and hardly within three weeks, he came to be transferred to Amaravati City by the impugned order.

4. It is, therefore, very clear that this order of transfer fully governed by the relevant provisions of the Maharashtra Police Act, 1951 as amended on 6.4.2015 has to be incomplete consonance with the said law. From the



averments in various Sub-paras of Para 3 of the Affidavit-in-reply filed by Mr. Anil P. Sawant, Desk Officer in the office of Director General of Police, it would appear that the Applicant was transferred inter-alia on account of objectionable activities and corrupt practices, etc. In that sense, therefore, it is a punitive transfer and it is issued by the Director General of Police and not by the Government. This transfer order, therefore, is of completely susceptible nature. Nothing more needs to be said or done by me because along with the Applicant, a group of 70 Officers who came to be transferred by the same impugned order was one Shri Arun A. Pawar and one Shri Shrikant S. Khot. Their cases were exactly same. In fact, the Applicant's is much better because he has completed just three weeks at the place which he came to be transferred from. Arun Pawar's OA was OA 466/2016 and Shri Khot's OA was OA 467/2016. It was decided by me by a common Judgment of 12.7.2016 and after considering every aspect of the matter, on the touch stone of the legal provisions which were relevant there and are exactly relevant herein, I quashed the said order of transfer in so far as those two Applicants were concerned and allowed the Original Applications. It would be suffice to mention that for all the same reasons therein mentioned, this OA also will have to be allowed.



5. Further, in an interim order made by me on 1st June, 2016 in OA 456/2016 (Shri S.D. Gaikwad Vs. The State of Maharashtra and 2 ors.), I granted interim relief and that too of mandatory nature at interlocutory stage and there also, the facts were exactly same. By an interim order of 13.6.2016 in this matter, the Hon'ble Chairman was pleased to grant interim relief because of which the Applicant continues to hold the post he had been transferred from.

6. The upshot, therefore, is that this OA will have to be allowed, and therefore, the impugned order in so far as it relates to this Applicant stands quashed and set aside and the Respondents are directed to let the Applicant continue to hold the post he was transferred from till such time as he completes his normal tenure in accordance with law. The Original Application is allowed in these terms with no order as to costs.


07.10.16
(R.B. Malik)
Member-J
07.10.2016

Mumbai
Date : 07.10.2016
Dictation taken by :
S.K. Wamanse.