

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**ORIGINAL APPLICATION NO.676 OF 2016
(Subject : Transfer)**

DISTRICT : NASHIK

Shri Pandharinath Raghunath Dhokane)
Worked as Senior Police Inspector,)
Nashik Road Police Station, Nashik)
and now transferred to)
Central Crime Unit,)
R/o. Sai Krishna Apartment,)
Row House No.3, Chetna Nagar,)
Nashik – 9.)

..APPLICANT

VERSUS

1. The Commissioner of Police,)
Nashik, having office at)
Nashik Police Commissionerate)
Nashik.)
2. Shri Sanjay Gulabrao Deshmukh,)
Occ. Police Inspector, Transferred from)
Control Room in place of the Petitioner)
as Senior Police Inspector, Nashik Road)
Police Station, Nashik,)

3. The State of Maharashtra,)
 Through Principal Secretary,)
 Home Department,)
 Having office at Mantralaya,)
 Mumbai 400 032)

....RESPONDENTS

Shri A.V. Bandiwadekar, learned Counsel for the Applicant.

Smt. K.S. Gaiwkad, learned Presenting Officer for the Respondent.

CORAM : SHRI RAJIV AGARWAL, VICE-CHAIRMAN

DATE : 07.11.2016.

J U D G M E N T

1. Heard Shri A.V. Bandiwadekar, learned Counsel for the Applicant and Smt. K.S. Gaiwkad, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging the order dated 10.06.2016, issued by the Respondent No.1, transferring the Applicant from the post of Senior Police Inspector, Nashik Road Police Station to Central Crime Unit, Nashik.

3. Learned Counsel for the Applicant argued that the Applicant was posted as Senior Police Inspector, Nashik Road Police Station since 30.04.2016. He was entitled to a tenure of two years as per Section 22N of the Maharashtra Police Act.

However, by impugned order dated 10.06.2016 the Respondent No.1 transferred the Applicant to a non-existing unit called Central Crime Unit, Nashik. Learned Counsel for the Applicant argued that the impugned order has been issued in violation of Section 22N of the Maharashtra Police Act and it may be quashed and set aside.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents No.1 to 3 that by order dated 20.07.2016, the impugned transfer order has been cancelled and the Applicant has been posted back to Nashik Road Police Station. She, therefore, requested that this O.A. may be disposed of as infructuous.

5. Learned Counsel for the Applicant argued that the interim order of this Tribunal dated 20.07.2016 has not be implemented in letter and spirit. The Applicant was ordered to be posted back to the post, where he was working before his transfer by impugned order dated 10.06.2016. The Applicant was working a Senior Police Inspector, Nashik Road Police Station. However, the Respondent No.1 has posted the Respondent No.2 as Senior Police Inspector in Nashik Road Police Station. Learned Counsel for the Applicant argued that in many police stations in Nashik, the Respondent No.1 has posted persons as Senior Police Inspector, though other persons senior to them in the cadre of Police Inspector are also working in those police stations. Accordingly, the Applicant deserves to be designated as Senior Police Inspector,

though the Respondent no.2 is senior to him in the cadre of Police Inspector.

6. Learned P.O. relied on the judgment of this Tribunal dated 20.03.2013 in O.A.No.722 of 2011, wherein this Tribunal has held that it is the administrative discretion of the Commissioner of Police to designate any Police Inspector as Senior Police Inspector in a Police Station, if more than one P.I. is working in the same Police Station.

7. It is seen that that Respondent No.1 by order dated 20.07.2016, cancelled the impugned order dated 10.06.2016, by which the Applicant was transferred out of Nashik Road Police Station. The only grievance of the Applicant now left is that he is seeking to be designated as Senior Police Inspector, Maharashtra Police Act, does not recognize any post of Senior Police Inspector. The Applicant was working as P.I. in Nashik Road Police Station and he was entitled to a tenure of two years in that Police Station. The Applicant is not entitled to any relief under the Maharashtra Police Act. This Tribunal in judgment dated 20.03.2013 in O.A.No.722/2011 has held in paragraph 7 as follows :-

“It is the discretion of the Commissioner of Police to designate any Police Inspector as Senior Police Inspector to co-ordinate the work among the Police Inspectors posted at a Police Station.”

It is further observed that :-

“It is a fact that normally the Senior most Police Inspector is designated as Senior Police Inspector and is in-charge of that Police Station. It is also a

fact that there is no post like Senior Police Inspector in the Police hierarchy nor is it a promotional post for the cadre of Police Inspector.”

In the present case, the Respondent No.2 is admittedly senior to the Applicant, if the Respondent No.1 has chosen to designate the Respondent No.2 as Senior Police Inspector of Nashik Road Police Station, no prejudice is caused to the Applicant. His insistence that he may be designated as Senior Police Inspector has no legal basis.

8. As the Respondent No.1 on his own has cancelled the impugned order dated 10.06.2016 qua the Applicant, this O.A. has become infructuous and it is disposed of as such with no order as to costs.

(RAJIV AGARWAL)
VICE-CHAIRMAN

Place : Mumbai
Date : 07.11.2016
Typed by : PRK