

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 302/2024 (S.B.)**

Rekha Wd/o Ramesh Sasane,  
Aged about 40 years,  
Occ. Presently working as a Police Constable  
at Wardha District Head Quarter,  
R/o Police Line, Wardha.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through it's Secretary for  
Department of Home,  
Mantralaya, Mumbai.
- 2) District Superintendent of Police,  
Wardha, Dist. Wardha.

**Respondents**

---

**Shri S.A.Marathe, Id. Advocate for the applicant.**

**Shri S.A.Deo, Id. C.P.O. for the respondents.**

---

**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

---

**JUDGMENT**

**Judgment is reserved on 08<sup>th</sup> July, 2024.**

**Judgment is pronounced on 11<sup>th</sup> July, 2024.**

Heard Shri S.A.Marathe, Id. counsel for the applicant and Shri  
S.A.Deo, Id. C.P.O. for the Respondents.

2. On 16.01.2019 the applicant joined the respondent department as Police Constable. After completing training of nine months she was posted at District Head Quarter, Wardha. By the impugned order dated 07.03.2024 (A-1) the applicant was transferred to Police Station, Dahegaon. Her representation dated 18.03.2024 for retention at Wardha was rejected. Hence, this Original Application impugning the order of transfer on the following grounds:-

A. Only as per recommendation of Police Establishment Board the impugned order could have been passed. This statutory provision was not followed.

B. As per Section 3 (2) of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "The Transfer Act, 2005") which reads as follows, the applicant could not have been transferred:-

*Employees in Group D shall normally not be subjected to fixed tenure. They shall not be transferred out from the station where they are serving except on request when a clear vacancy exists at the station where posting is sought, or on mutual transfer, or when a substantiated complaint of serious nature is received against them.*

C. Respondent no. 2 did not properly consider representation of the applicant dated 18.03.2024 wherein she had stated that her father was suffering from severe COPD and required regular medical follow-up.

D. Out of 115 employees transferred by the impugned order only 27 have been relieved so far. Thus, respondent no. 2 ought to have considered request of the applicant favourably without any administrative inconvenience for continuing her at Police Head Quarter, Wardha or any Police Station in Wardha.

3. The O.A. is resisted by respondent no. 2 on the following grounds:-

I. The applicant was due for transfer. She had joined at Wardha on 16.01.2019 and the impugned order was passed on 07.03.2024. Section 22 N (b) of the Maharashtra Police (Amendment) Ordinance, 2014 stipulates that for Police Constabulary the normal tenure shall be of five years at one place of posting.

II. The impugned order states that it was passed as per recommendation of Police Establishment Board, and for administrative exigencies. Thus, while passing the impugned order statutory provision was scrupulously followed.

III. Representation of the applicant was rejected because it was necessary to fill the post of Police Constable at Dahegaon.

IV. Though, the applicant was relieved on 17.03.2024 she joined at Dahegaon only on 20.04.2024.

V. Medical papers of her father filed by the applicant show that her father is taking treatment in KRIMS Hospital, Nagpur. Therefore, on the ground of treatment of her father her request for retention at Wardha could not have been considered.

4. None of the grounds raised by respondent no. 2 has been traversed by the applicant by filing a rejoinder.

5. Discussion made hereinabove shows that the applicant was due for transfer, the impugned order was passed as per recommendation of Police Establishment Board, father of the applicant is taking treatment

in KRIMS Hospital, Nagpur and neither the impugned order nor the rejection of her representation was malafide. The applicant cannot base her claim for retention at Wardha on the ground that only about 25% employees transferred by the impugned order have been relieved because it is a matter of administrative exigency in each case. Thus, the O.A. deserves to be dismissed. It is accordingly dismissed with no order as to costs.

**Member (J)**

**Dated :- 11/07/2024**

aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 11/07/2024  
and pronounced on

Uploaded on : 12/07/2024