

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.528 OF 2017**

DISTRICT : PUNE

Smt. Sudarshana Sambhaji Mhangare,)
Police Naik, R/at Room No.16, Building No.11,)
Surakshanagar, Vaidyawadi, Hadapsar, Pune 411028)..Applicant

Versus

1. The Special Inspector General of Police,)
Kohapur Range, Tarabai Park, Kolhapur 416003)
2. The Superintendent of Police,)
Pune Rural, Chavan Nagar, Pashan Road,)
Pune 411008)
3. The Commissioner of Police,)
Pune City, Police Commissioner Office, Camp,)
Pune 411001)..Respondents

Smt. Punam Mahajan – Advocate for the Applicant

Smt. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

CLOSED ON : 18th January, 2018

PRONOUNCED ON : 24th January 2018

J U D G M E N T

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. By this OA applicant prays for the reliefs which reads as follows:

“9(a) That this Hon’ble Tribunal be pleased to direct the Respondent No.2 to immediately relieve the Petitioner from Pune Rural, to join at Pune City, will all consequential service benefits.”

(Quoted from page 6 of OA)

3. The applicant fervently relied on communications at Exhibit A-4, A-5 and A-6 and urges that practically a decision is arrived at inter se respondents to order applicant’s transfer to Pune Commissionerate.

4. The applicant further relies on contents of para 12 of the affidavit in reply of Superintendent of Police, Pune (Rural). Para 12 is quoted for ready reference:

“12. With reference to para 6.16, I say as follows: With reference to the averments in the Para no.6.16 is denied and not admitted. **With reference to the averments it is humble submission that the applicant will be relieved as soon as the recruitment process is concluded and adequate women police staff is appointed to maintain law and order in the establishment.** Hence the said allegations are totally baseless and against the law.”

(Quoted from page 22 of OA)

5. The portion which is highlighted in bold letters of print qualifies the consent namely that “the applicant could be relieved only after adequate

women police staff is appointed to maintain law and order in the establishment”.

6. It is thus evident that applicant's request for transfer to Pune Commissionerate is still in the process and still decision is not reached.

7. Therefore, applicant does not have any actionable claim and enforceable right.

8. Therefore, OA has no merit and is dismissed.

~~XXXXXXXXXX~~ J

(A.H. Joshi, J.)
Chairman
24.1.2018

Dictation taken by: S.G. Jawalkar.

D:\JAWALKAR\Judgements\2018\1 January 2018\OA.528.17.J.1.2018-SSMhangare-Transfer.doc