

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2233 OF 2016

Shaikh Nizamuddin Sallauddin,
Age 43 Years, Occu. Service i.e. Police Naik
[B.No.2047], R/o. C/o. Sangamner City Police
Station, Tq.Sangamner, Dist. Ahmednagar.

PETITIONER

VERSUS

1. The Superintendent of Police,
Ahmednagar, Dist. Ahmednagar.
2. The Assistant Police Inspector,
Police Station Ashwi,
Tq. Sangamner, Dist. Ahmednagar

[Copy to be served on the
Govt. Pleader, High Court of
Bombay, Bench at Aurangabad]

RESPONDENTS

...
Mr.Sachin S. Deshmukh, Advocate for the
petitioner
Mr.S.K.Kadam, AGP for respondent – State

...
**CORAM: S.S.SHINDE &
SANGITRAO S.PATIL,JJ.**

Dated: 16.06.2016

PER COURT: (Per S.S.Shinde, J.):

This Petition takes exception to the
impugned transfer order dated 22nd November,
2015 and the order dated 22nd January, 2016

passed by the Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad [in short 'MAT'] in Original Application No.762/2015.

2. The learned counsel appearing for the petitioner submits that the transfer of the petitioner is a mid-term one and also is in violation of the provisions of Section 22N (a) (i) (b) of the Maharashtra Police (Amendment) Act, 2015. It is submitted that the impugned transfer order has adverse effect on the studies of the daughter of the petitioner. The old aged father of the petitioner, who is suffering from ailment, is totally depending upon the petitioner. Therefore, he submits that the Petition deserves to be allowed and the impugned transfer order needs to be set aside.

3. On the other hand, the learned AGP appearing for the respondent – State, relying

upon the reasons assigned by the MAT submits that the Petition is devoid of any merit and the same may be rejected.

4. We have given careful consideration to the submissions of the learned counsel appearing for the petitioner and the learned AGP appearing for the respondent – State. With their able assistance, perused the pleadings in the Petition, annexures thereto and the order passed by the MAT. Upon perusal of the impugned order of transfer, it appears that the transfer is on administration ground. Along with the petitioner, there are other 34 employees, who have been transferred. Upon careful perusal of the reasons assigned by the MAT and in particular in paras 7 to 9 thereof, the MAT has considered in detail the contentions of the petitioner that before completing 5 years the petitioner has been transferred at Sangamner. The MAT has considered the

material / documents placed on record and observed that the applicant was serving in Sangamner from 31st August, 2010. He was transferred from Ahmednagar to Sangamner Taluka and was posted to Ashwi Police Out Post from 31st August, 2010. Subsequently, new Police Station i.e. Ashwi Police Station was opened and the petitioner was transferred to Ashwi Police Station and he has taken charge there on 9th September, 2013. Therefore, the petitioner has completed 5 years and three months at Ashwi Police Station. The MAT has also considered the provisions of Section 22N of the Maharashtra Police Act, 2015, which deal with the normal tenure of Police personnel and Competent Authority. It is observed that a normal tenure shall be of five years at one place of posting. Earlier the applicant was posted at outpost Ashwi. The said outpost was converted into the Police Station and therefore, the

applicant was then again posted at Police Station, Ashwi.

5. Upon independent consideration and scrutiny, we are of the opinion that the findings recorded by the MAT, in paras 7 to 9 thereof, are in consonance with the material placed on record. There is no perversity as such. No case is made out to interfere in the impugned order of transfer and also the order passed by the MAT. Hence, this Writ Petition stands rejected.

Sd/-
(**SANGITRAO S.PATIL**)
JUDGE

Sd/-
(**S.S.SHINDE**)
JUDGE