

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 652 OF 2013

DISTRICT: - AURANGABAD

Ravindra s/o Narayan Kshirsagar,
Age: - 47 years, Occu.: - Service,
R/o. M.I.D.C. Paithan,
Tq. Paithan, Dist. Aurangabad. .. APPLICANT

V E R S U S

- 1] The State of Maharashtra,
Through P.O., M.A.T.,
Aurangabad.

(copy to be served on P.O.
M.A.T. Aurangabad)
- 2] The Director General of Police,
Maharashtra State, Mumbai.
- 3] The Special Inspector General
of Police, Aurangabad Region (Rural),
Aurangabad.
- 4] The Superintend of Police (Rural),
Aurangabad. .. RESPONDENTS

APPEARANCE : Shri M.R. Kulkarni, learned Advocate
holding for Shri L.M. Kulkarni,
learned Advocate for the applicant.
: Shri V.R. Bhumkar, learned
Presenting Officer for the respondents.

CORAM : **JUSTICE M.T. JOSHI, VICE CHAIRMAN**
AND
ATUL RAJ CHADHA, MEMBER (A)

DATE : **13th July, 2018**

ORAL - ORDER

(Per : Justice M.T. Joshi, Vice Chairman)

1. By the present Original Application the applicant is seeking following reliefs :-

“B. The impugned judgment and order dated 13.7.2012 passed by respondent no. 2, thereby confirming the judgment and order passed by the respondent no. 3 and respondent no. 4 in respect of charge no. 1, may kindly be quashed and set aside and accordingly the applicant may be granted all consequential relief in terms of difference of salary and other emoluments for the years 2009 to 2011.”

2. The applicant, who during the relevant period was working as a Police Constable with Bidkin Police Station, was charge sheeted by the res. no. 4 – the Superintendent of Police (Rural), Aurangabad – on three charges. Out of those three charges, after due enquiry the Enquiry Officer came to the conclusion that the charge no. 2 is not proved. He, therefore, recommended for the matter for imposing punishment for charge nos. 1 and 3 to the Superintendent of Police.

The res. no. 4 – the Superintendent of Police (R), Aurangabad - vide order dtd. 28.1.2009 (Exh. E page 165) accepting the enquiry report of the Enquiry Officer imposed a

punishment of placing the applicant at the basic pay of Police Constable for the period of 4 years, without having effect on the future increments. The applicant, therefore, filed administrative appeal, which was decided by the res. no. 3 – the Special Inspector General of Police, Aurangabad Region (Rural), Aurangabad. The copy of the said order is placed on record at page 168. The appellate authority held that the charge no. 3 was not proved and, therefore, only for charge no. 1 the punishment awarded by the disciplinary authority was remained for consideration. The appellate authority reduced the punishment for charge no. 1 from 4 years to 2 years as mentioned above. In the revision application filed by the applicant against the order passed by the appellate authority in the administrative appeal, the res. no. 2 – the Additional Director General of Police, Maharashtra State, Mumbai – vide order dtd. 13.7.2012 has maintained the said order (page 171). Hence, the applicant is before this Tribunal by filing the present O.A.

3. In View of above fact, we are concerned with the charge no. 1 that was leveled against the applicant. The charges, which are not proved, i.e. charge no. 2 regarding

depositing cash of Rs. 15,000/- by the applicant for bail of one of the accused and the charge no. 3 regarding giving criminals' information to the villagers. The basic charge i.e. charge no. 1 was that on 24.12.2007, the Police Inspector Shri Kanchan Chate, Incharge of Robbery Preventive Squad, Aurangabad along with certain employees in the squad and employees from Waluj Police Station had conducted a raid at the locality at the residence of Pardhi near village Gadegaon and at that time three habitual robbers were found. The present applicant was found there having dinner with the said robbers. When P.I. Shri Chate made an enquiry with the applicant, he said that, he was on weekly leave but could not give any satisfactory answer to the query of Shri Chate. Thus, it was alleged that the present applicant was in collusion with the known criminals.

4. In support of said charge, before the Enquiry Officer, the necessary documents regarding registration of crime etc. were produced. Police Head Constables S/shri Gokul Yashwant Patil, Kakaji M. Tupe, Rajendra Sopanrao Ude, Bhimrao Sukhdeo Shelke, Dilip Dhondiram Magare and

other Police Constables were examined. P.I. Shri Chate was also examined. Shri Chate deposed before the Enquiry Officer that the applicant told him that the applicant visited the locality as he had illicit relations with a woman thereat, other Police Constables deposed that the applicant explained to them that he came there to have a dinner.

5. The defence of the applicant as can be seen from reply was that a Police Officer, who was on weekly off, would still remain on duty for 24 hours. He can investigate any crime without waiting any order from the superiors and, therefore, his defence was that he visited the pardhi locality for investigation in certain offence. During the argument before this Tribunal it was submitted that there was contradiction in the statements of P.I. Shri Chate and the witnesses – Police Constables that the applicant has visited the said pardhi locality for dinner purpose. Learned Advocate submits that there was no evidence before the Enquiry Officer or the disciplinary authority and other authorities to come to the conclusion that the applicant had any thick relation with the criminals. He submitted

that the applicant could not have been punished as there was no evidence against him.

6. Learned P.O. submits that the presence of the applicant is admitted as can be seen from his submissions before the Enquiry Officer as well as in this Tribunal. His explanation that he went to the said locality for making certain investigation without waiting for any orders from his superiors is not at all substantiated by any fact. He has not pointed out as to what was the urgency for investigating any criminal crime without intimating to superior though he was a Police Constable. Learned P.O. submitted that this is a case of clear evidence that the applicant was found dining with criminals and, therefore, the impugned order cannot be set aside.

7. Upon going through the record, it is found that the present case is based on sufficient evidence. P.I. Shri Chate has no any grudge against the present applicant. The applicant failed to explain as to in which crime he was investigating, though he was only Police Constable, without knowledge to his superiors.

8. In the circumstances, we are of the opinion that, there is no scope for interference in the impugned order of the respondents. In the result, the present O.A. is dismissed without any order as to costs.

(ATUL RAJ CHADHA)
MEMBER (A)

(M.T. JOSHI)
VICE CHAIRMAN

Place : Aurangabad

Date : 13.7.2018

ARJ-O.A. NO. 158-2015 D.B. (Termination)