

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
CONTEMPT APPLICATION NO.56 OF 2017
IN
ORIGINAL APPLICATION NO.490 OF 2017**

Dr. Shriprakash Maruti Waghmare,)
Age 57 years, Deputy Commissioner of Police, LA-4,)
Arm Police, Marol, Marol-Maroshi Road,)
Andheri (E), Mumbai 400059)..Applicant

Versus

1. Shri Sudhir Kumar Shrivastava,)
Additional Chief Secretary,)
Home Department, Mantralaya, Mumbai)
2. Shri Satish Mathur,)
Director General of Police, HQ of Police,)
Shahid Bhagatsingh Marg, Colaba, Mumbai)..Respondents

Dr. Gunratan Sadavarte – Advocate for the Applicant

Miss S.P. Manchekar – Chief Presenting Officer for the Respondents

CORAM : Shri Justice A.H. Joshi, Chairman

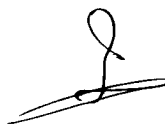
CLOSED ON : 12th December, 2017

PRONOUNCED ON : 15th December, 2017

ORDER

1. Heard Dr. Gunratan Sadavarte, learned Advocate for the Applicant and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. According to the applicant the order dated 28.6.2017 passed in OA No.490 of 2017 ought to have been followed in letter and spirit and formal



compliance amounts to contempt only of unnumbered fourth para of the order of this Tribunal.

3. According to learned Advocate for the applicant:

- (a) Special emphasis was given by this Tribunal while passing order on 28.6.2017, to the aspect referred to in unnumbered third para.
- (b) The emphasis given by this Tribunal ought to have been honoured while reading fourth para of order dated 28.6.2016 (i.e. by conjointly unnumbered fourth para with third para).
- (c) The decision on applicant's representation dated 20.6.2017 ought to have been punctually taken.
- (d) The upgradation of his CRs was not an empty formality and it would bound the applicant to enter the zone of consideration for nomination for IPS in the event the outcome could have been favourable to the applicant, it would have enabled the Government to forward applicant's candidature for nomination to IPS cadre.
- (e) The upgradation of his CRs was belatedly done i.e. after the nominations for IPS were sent. The compliance of the order of this Tribunal is done in a circuitous manner for defeating the main goal for which the order was passed, i.e. for enabling applicant's candidature for being considered for nomination for IPS.

4. Learned PO states that operative direction was contained in fourth unnumbered para, and compliance is done within extended time.

5. Upon considering rival submissions, it transpires that the conduct of respondents in delaying the decision is thus an utmost contemptuous 'attitude' from the point of view of "respect towards the law, courts and bent of mind of honouring rights of citizens who are eventually Government servants".

6. Due to want of specific prayer in OA and a prayer in representation relating to nomination for IPS, some vagueness has occurred in the order passed by this Tribunal in the said OA. Result of this vagueness is that due to the aforesaid contemptuous attitude of the Government machinery, the upgradation of applicant's ACRs has been almost deliberately delayed. This conduct of the Government machinery though grossly unworthy and deplorable, is short of being a criminal contempt.

7. The conduct of officers is in grave departure of fairness rather it is utterly unfair, because the unfavourable ACRs were communicated belatedly and review thereof was done after further and unjustifiable delay. Had there been will to do justice, delay could have been easily avoided.

8. It is yet fluid as to whether applicant's nomination for IPS would have been accepted, however, it is vivid that proposing applicant's name for IPS nomination is aborted due to callous attitude, inaction and delaying practice adopted by the respondents/State.

9. Hence, with foregoing background and observations, CA is disposed off.

10. Applicant shall be free to take recourse to remedy as available in law.



Sd/-

(A.H. Joshi, J.)
Chairman
15.12.2017

Dictation taken by: S.G. Jawalkar.