

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NOS 1067, 1068, 1069 & 1070 OF 2019

DISTRICT : MUMBAI

1) ORIGINAL APPLICATION NO. 1067 OF 2019

Shri Bhimrao A. Bhingawade)
Havaldar, removed from service,)
R/o: Bldg No. 10, Room no. 34)
Railway Police Vasahat, Ghatkopar [E],)
Mumbai 400075)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032)
2. The Commissioner of Police,)
[Railways], P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
3. The Deputy Commissioner of)
Police, [Railway] [Headquarter],)
P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
4. Assistant Commissioner of)
Police [Administration],)
Office of the Commissioner of)
Police, P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)...**Respondents**

2) ORIGINAL APPLICATION NO. 1068 OF 2019

Shri Vilas B. Bansode)
Havaldar, removed from service,)
R/o: Bldg No. 10, Room no. 34)
Railway Police Vasahat, Ghatkopar [E],)
Mumbai 400075)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032)
2. The Commissioner of Police,)
[Railways], P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
3. The Deputy Commissioner of)
Police, [Railway] [Headquarter],)
P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
4. Assistant Commissioner of)
Police [Administration],)
Office of the Commissioner of)
Police, P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)...**Respondents**

3) ORIGINAL APPLICATION NO. 1069 OF 2019

- Shri Sanjay W. Kumbhar)
Havaladar, removed from service,)
R/o: Railway Police Vasahat,)
Ghatkopar [E],)
Mumbai 400075)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032)
2. The Commissioner of Police,)
[Railways], P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)
3. The Deputy Commissioner of)
Police, [Railway] [Headquarter],)
P.D Mello Road,)
Vadi Bandar, Mumbai [E],)
Mumbai.)

4. Assistant Commissioner of)
 Police [Administration],)
 Office of the Commissioner of)
 Police, P.D Mello Road,)
 Vadi Bandar, Mumbai [E],)
 Mumbai.)...**Respondents**

4) ORIGINAL APPLICATION NO. 1070 OF 2019

- Shri Vilas Madhukar Algat)
 Havaladar, removed from service,)
 R/o: 22/48,Railway Police Vasahat,)
 Ghatkopar [E],)
 Mumbai 400075)...**Applicant**

Versus

1. The State of Maharashtra)
 Through the Secretary,)
 Home Department, Mantralaya,)
 Mumbai 400 032)
2. The Commissioner of Police,)
 [Railways], P.D Mello Road,)
 Vadi Bandar, Mumbai [E],)
 Mumbai.)
3. The Deputy Commissioner of)
 Police, [Railway] [Headquarter],)
 P.D Mello Road,)
 Vadi Bandar, Mumbai [E],)
 Mumbai.)
4. Assistant Commissioner of)
 Police [Administration],)
 Office of the Commissioner of)
 Police, P.D Mello Road,)
 Vadi Bandar, Mumbai [E],)
 Mumbai.)...**Respondents**

Shri C.T Chandratre, learned advocate for the Applicants.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

CORAM : **Shri A.P Kurhekar (Member) (J)**

DATE : **08.11.2019**

ORDER

1. Heard Shri C.T Chandratre, learned advocate for the Applicants and Shri A.J Chougule, learned Presenting Officer for the Respondents.
2. These Original Applications are filed for limited relief of protection of their possession over the quarters allotted to them during the period of service, till disposal of appeal filed by them.
3. All these applicants are Police Havaldar and departmental enquiry was initiated against them. In O.A no 1067/2019, 1068/2019 and 1069/2019, applicants were removed from service by order dated 1.7.2019, 19.8.2019 and 1.7.2019 respectively, where in O.A 1070/2019, the applicant was dismissed from service by order dated 16.8.2019.
4. Being aggrieved by the punishment, the applicants have filed appeal before Respondent no. 1 and the same is subjudice.
5. The applicants are in occupation of Police Quarters. By order dated 26.9.2019, the applicants were informed that in view of their removal/dismissal from service, they can continue in possession of quarters up to 31.12.2019 only subject to payment of necessary charges and their possession onwards 1.1.2020 would be unauthorized.
6. Learned counsel for the applicants has tendered copy of order dated 2.11.2019 which is taken on record and marked as 'X' to show that there is threat of immediate dispossession from the Police Quarters and therefore, he seeks protection.
7. Learned Counsel for the applicants submit that his clients are ready to deposit necessary charges with the department for their occupation of quarters till 31.12.2019. The same is accepted.

8. As the applicants are prima facie entitled to retain possession for three months, their possession needs to be protected in view of immediate threat of dispossession.

9. In view of the above, interim protection for immediate dispossession of quarters of the applicants is granted till 31.12.2019 subject to payment of necessary charges with the department.

10. As the Original Applications are filed for very limited relief, this can be disposed of with suitable directions.

11. Respondent no. 1 is directed to dispose of the appeals filed by the applicants, preferably on or before 31.12.2019.

12. Original Applications stand disposed of with no order as to costs. Steno copy and Hamdast is granted. Learned P.O is directed to communicate this order to the Respondents.

Sd/-
(A.P Kurhekar)
Member (J)

Place : Mumbai
Date : 08.11.2019
Dictation taken by : A.K. Nair.