

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 269 of 2017 (S.B.)**

Sudhir S/o Ashok Meshram,  
Aged about 44 years, Occ. Service,  
r/o Gopal Nagar, First Bus Stop, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through Additional Chief Secretary,  
Home Department, Mantralaya,  
Mumbai-400 032.
- 2) The Director General of Police,  
having its office at near Regal Theatre,  
Colaba, Mumbai.
- 3) The Special Inspector General of Police,  
Nagpur Range, Nagpur.
- 4) The Superintendent of Police,  
Bhandara.

**Respondents.**

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**Shri S.P. Palshikar, Advocate for the applicant.**  
**Shri V.A. Kulkarni, learned P.O. for respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,**  
**Vice Chairman.**

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**Date of Reserving for Judgment : 9<sup>th</sup> December,2022.**

**Date of Pronouncement of Judgment : 3<sup>rd</sup> January, 2023.**

**JUDGMENT**

**(Delivered on this 3<sup>rd</sup> day of January,2023)**

Heard Shri S.P. Palshikar, learned counsel for the  
applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was initially appointed as a Stenographer and posted at Pune C.I.D. In the year 2005, the applicant was promoted as Senior Grade Stenographer and he is presently working in the same capacity in the office of Superintendent of Police, Bhandara. While the applicant was working as a Stenographer in the office of Deputy Commissioner of Police, Zone-I, Nagpur city, Nagpur, the then Deputy Commissioner of Police was harassing the applicant for one reason or another. In the month of February, 2014, the then Deputy Commissioner of Police Zone I, Nagpur City, Nagpur Shri Kailash Kanse was transferred as Superintendent of Police, Bhandara. With a revengeful attitude he started harassing the applicant like anything.

3. On 08/10/2014, the respondent no.3 has informed the applicant because of his negligence in duty, an inquiry was proposed against him. On 27/10/2014, the applicant has submitted his reply. On 25/02/2015, the punishment was inflicted upon the applicant by stoppage of increment for one year. The appeal was preferred by the applicant, was rejected by respondent no.2 on 13/05/2016. The applicant has preferred appeal before respondent no.1 on 01/07/2016. The respondent no.1 informed the applicant on 11/04/2017 that appeal is not maintainable and has been disposed of. Therefore, the

applicant has challenged the orders dated 25/02/2015 and 13/05/2016 before this Tribunal.

4. The O.A. is strongly opposed by respondent no.4. It is submitted that behaviour of the applicant was undisciplined and always avoided to work with utmost satisfaction of the Officers. The Superintendent of Police, Bhandara forwarded the default report to respondent no.3 on 27/08/2014. On receipt of default report, the respondent no.3 vide its letter dated 08/10/2014 called upon the applicant to file his explanation in respect of charges levelled against him.

5. The applicant submitted his submission. Thereafter, the respondents submitted its submission in support of the charges levelled against the applicant. It was specifically pointed out as under-

- “(a) The applicant was not residing at Head Quarter at Bhandara and used to updown from Nagpur.*
- (b) The applicant used to remain absent at the time of meeting conducted by the Superintendent of Police, though it is his official duty to prepare the minutes of the meeting. The applicant like this remained absent on 09.08.2014 in afternoon session without any prior intimation.*
- (c) The Superintendent of Police called explanation from the applicant in respect of his absence on 09.08.2014, the applicant failed to file the same.*
- (d) The SP visited at Kardha Office on 25.03.2014 and at Dighori on 26.03.2014 for taking annual inspection the applicant remained absent.*

- (e) *Notes of inspection of confidential section have not been put up before the SP.*
- (f) *The applicant has not marked on biometric machine while leaving office on 21.03.2014, 28.03.2014 and 03.04.2014. Similarly on 01.04.2014, 02.04.2014, 04.04.2014, 05.04.2014, 07.04.2014, 09.04.2014, 11.04.2014 and 15.04.2014 applicant not marked his attendance while coming and leaving the office. The explanation was called from the applicant, but he failed to give the same.*
- (g) *It has also come to the knowledge that the applicant used to open confidential letters of the SP, Bhandara and used to leak the information thereby breached the confidentiality of the official information.*
- (h) *The applicant tried to damage the CCTV camera by sticking Gum on the lenses, as it was inconvenient for him, and thereby interfered the security system of the office.*
- (i) *The applicant remained absent on the ground of ill health for long time.”*

6. The respondent no.3 being Competent Authority to impose punishment, after going through the charges levelled against him the order of stoppage of increment for one year was passed.

7. Heard learned counsel for the applicant Shri S.P. Palshikar. He has submitted that the charges levelled against the applicant were baseless. Then Deputy Commissioner of Police Shri Kanse was not having good relations with the applicant. After his transferred to Bhandara as a Superintendent of Police, he started harassing the applicant and with a revengeful motive he levelled the false charges against the applicant. The impugned order dated

25/02/2015 passed by the Special Inspector General of Police, Nagpur Range, Nagpur (R/3) and order dated 13/05/2016 passed by the Director General of Police (M.S.), Mumbai (R/2), are liable to be quashed and set aside.

8. Heard learned P.O. for the respondents Shri V.A. Kulkarni. As per his submission some of the charges are admitted by the applicant and in some charges, explanation was not satisfactory, therefore, minor punishment of stoppage of increment for one year is legal and correct.

9. Perused the impugned orders and charges levelled against the applicant. From the explanation of the applicant, it appears that he was not living at Head Quarter at Bhandara. He himself has submitted representation dated 01/06/2014 for transfer from Bhandara to Nagpur. In the said representation, he has stated that he is doing up and down from Nagpur to Bhandara. Therefore, he could not give full attention to the official work. On that ground, he requested for transfer him from Bhandara to Nagpur. Moreover, from his explanation it appears that he was not residing at Bhandara. In the explanation dated 27/10/2014, he has stated that he was residing on rent at the house of one Shri Shrikant Meshram, whereas, in the explanation dated 23/03/2015, he has stated that he was residing at the house of Hiranman Devaji Meshram. The applicant has stated two names of

landlord. Moreover, he has stated that there was no written / oral order directing him to reside at Bhandara. It is pertinent to note that once he is transferred to Bhandara, it is expected from him to reside at Bhandara. He was getting HRA etc. The applicant's admission in the explanation clearly shows that his explanation stating that he was residing at the house of Shri Shrikant Meshram and in another explanation at the house of Hiranman Devaji Meshram. He made contradictory statement about his residence at Bhandara. Therefore, the explanation was rightly not found satisfactory.

10. He has admitted the facts that he had opened one confidential letter. Once he had admitted the fact that he opened the confidential letter, then he cannot say that there was any practice and with a good intention opened that letter. Looking to the charges, explanation given by the applicant was not satisfactory, therefore, the respondent no.3 has rightly imposed the minor punishment order dated 25/02/2015. In the appeal, it was observed that the explanation given by the applicant was not satisfactory, therefore, appeal was rejected on 13/05/2016.

11. In respect of the appreciation letter pointed out by the side of applicant cannot be taken to exonerate him from the dereliction of his duties. Hence, the impugned orders dated 25/02/2015 and 13/05/2016 are legal and proper. Hence the following order –

**ORDER**

The O.A. is dismissed with no order as to costs.

**Dated** :- 03/01/2023.

dnk.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/01/2023.