

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 351 / 2019 (S.B.)**

1. Madangopal S/o Madhukarrao Belsare,  
Aged about 55 years, Occ. Service,  
R/o Amravati, Tah. & Dist. Amravati.
2. Pravin S/o Vinayakrao Mhala,  
Aged about 48 years, Occ. Service,  
R/o Amravati, Tah. and Dist. Amravati.
3. Javed Ahmad Abdul Samad Shaikh,  
Aged about 48 years, Occ. Service,  
R/o Sabanpura, Amravati, Tah. & Dist.  
Amravati.
4. Sanjay S/o Govindrao Kale,  
Aged about 50 years, Occ. Service,  
R/o Amravati, Tah. and Distt. Amravati.
5. Vijay S/o Padmakar Bahadure,  
Aged about 35 years, Occ. Service,  
R/o Vyankatesh Colony, Near SRPF Camp,  
Amravati, Tah. & Dist. Amravati.

**Applicants.****Versus**

- 1) The State of Maharashtra,  
Through it's Principal Secretary,  
Home Department, 2<sup>nd</sup> Floor, Main Administrative Building, Madam Cama  
Road, Hutatma Rajguru Square, Mantralaya, Mumbai- 400 032,
- 2) The Commissioner of Police,  
Amravati Division, Amravati,  
Tah. and Dist. Amravati.

**Respondents**

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**Shri S.N.Gaikwad holding for Shri R.D.Wakode, the Id. Advocate for  
the applicants.**

**Shri S.A.Sainis, the Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri Shree Bhagwan, Vice Chairman.**

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**JUDGMENT**

**Judgment is reserved on 05<sup>th</sup> January, 2021.**

**Judgment is pronounced on 14<sup>th</sup> January, 2021.**

Heard Shri S.N.Gaikwad holding for Shri R.D.Wakode, Id. counsel for the applicants and Shri S.A.Sainis, Id. P.O. for the respondents.

2. The Respondent no. 2 issued a show cause notice to the applicants on 29.10.2015 under Rule 3 (2) (5) of the Bombay Police (Punishments & Appeals) Rules, 1956 (hereinafter referred to as 'aforesaid rules' for the sake of brevity). The applicants submitted a detailed explanation on 09.11.2015 & 10.11.2015 as to how the imputation of misconducted alleged against them is completely baseless and is purely as suspicion. The respondent no. 2 on 23.12.2015 passed the order thereby stopping the increments of the applicants for three years. The applicants being aggrieved by the aforesaid order on 19.02.2016, challenged the same in appeal before the respondent no. 1. The respondent no. 1 granted hearing to the applicants in the aforesaid appeal on 29.11.2017 and dismissed the aforesaid appeal on 19.10.2018.

3. I have gone through the Maharashtra Police Act (Bombay Act No. XXII of 1951). In this Act after chapter 8 i.e. miscellaneous appendices are and at Appendix-I pertains to "The Bombay Police (Punishments and Appeals) Rules, 1956". In this Rule, Section 3 (2) (V) i.e. stoppage of increments is mentioned. I have also seen show cause notice issued by respondent no. 2 dated 29/10/2015 (Annexure-A-3, P.B., Pg. No. 59) where it is clearly mentioned that this show cause notice is issued under The Maharashtra Police (Punishment and Appeal) Rule 1956 Rule 3(2)(5). So it is clear that respondent no. 2 has issued an order within the legal provisions of The Bombay Police (Punishment and Appeals) Rule, 1956; only the difference is that in the letter V is written as 5 (this might be typographical mistake) but meaning is same. I have also gone through the impugned punishment order dated 23.12.2015 where respondent no. 2 has acted while within the powers of "The Bombay Police Act" and there is no error in issuing impugned order.

4. The Bombay Police (Punishment and Appeal), Rule 1956 is in conformity with The Bombay Police Act, Section 25.

5. In view of these discussions, I do not find any reason to interfere with the impugned order dated 29.10.2015 and 23.12.2015. Hence, following order:-

**ORDER**

1. O.A. is dismissed.
2. No order as to costs.

**(Shri Shree Bhagwan)  
Vice Chairman**

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

Name of Steno : Akhilesh Parasnath Srivastava.  
Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 14/01/2021.  
and pronounced on

Uploaded on : 15/01/2021.