

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.547/2006.

Harisingh Badhusingh Sable,
Aged about 57 yrs.,
Occ- Ex-Commandant, SRPF Group No.IV,
Presently R/o At & Post Palodi,
Tq. Manora, Distt. Washim.

Applicant

-Versus-

1) The State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-440 032.

Respondents

The applicant in person.
Shri A.M. Ghogre, the learned P.O. for the respondents.

Coram:- Hon'ble Shri Rajiv Agarwal,
Vice-Chairman (A) and
Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).

Per:-Vice-Chairman (J)

JUDGMENT

(Delivered on this 11th day of August 2017.)

The applicant in person, but he was not present at the time of hearing. Heard Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The applicant Harisingh Badhusingh Sable was selected as Deputy Superintendent of Police in 1979 and was appointed as such on 6.9.1979. He was promoted to the post of Superintendent of Police in 1985 on 1.10.1990. He was posted as Commandant, State Reserve Police Force (SRPF), Group-VII at Daund, Pune. On 29.10.1990, he was suspended due to pendency of criminal prosecution. He was acquitted in the said case by the Special Judge, Washim (Special Case No.01/2002) on 19.1.2005, but was convicted in Special Case No.03/97 by Special Judge, Pune on 18.9.1997 and, therefore, was dismissed from service on 19.3.1999.

3. The applicant filed O.A. No. 152/2000 against the order of dismissal. However, this Tribunal by order dated 5.2.2003 dismissed the application on the ground that the appeal against acquittal was pending.

4. The applicant filed Criminal Appeal No. 596/97 against the order of conviction before the Honble High Court at Mumbai. The Honble High Court acquitted the applicant vide an order dated 2.5.2006. Thereafter, the applicant filed repeated representations to the authorities, but of no use.

5. In this O.A., the applicant has claimed the following reliefs:-

(a) Direct the respondents to immediately reinstate the applicant in service with all consequential benefits including that of promotion in the IPS cadre by quashing and setting aside the dismissal order dated 19.3.1999 passed by the respondents.

(b) Direct the respondents to treat the suspension period from 3.11.1990 till his reinstatement as duty period for all purposes by granting all consequential benefits alongwith 12% interest over the same.+

6. The respondents have filed reply affidavit. It seems that during the pendency of the O.A., the respondents filed Special Leave Petition (SLP) against the order of acquittal of the applicant before the Supreme Court. But the said SLP was dismissed on 2.2.2007. The applicant was reinstated in service on 29.3.2007 and vide order dated 3.3.2007, his period under suspension was treated as duty period. The order of reinstatement of the applicant has been filed on record at page No.116 of the O.A. which is dated 29.8.2007. Most of the grievance made by the applicant in prayer clauses (a) and (b) are, therefore, redressed by the respondents. This O.A. was dismissed in default and then it was restored vide order dated 19.10.2016 by condoning the delay and the matter was kept for hearing on 3.7.2017. But the applicant remained absent on that date. Thereafter it was posted on 7.4.2017. But on that date also, the applicant remained absent and, therefore, after hearing the learned P.O., matter was closed for passing orders.

7. In prayer clause (a) as already reproduced, the applicant has claimed promotion in IPS cadre by quashing and setting aside his dismissal order. Except this prayer, all the reliefs claimed by the applicant have been redressed.

8. From the record, it seems that on 10.5.2007, the applicant has filed one representation. In the similar fashion, the applicant has also filed number of representations such as on 11.4.2005, 9.5.2006, 12.6.2006 and 19.7.2006. In all these representations, the applicant has claimed seniority and promotion to IPS cadre. However, it is not known as to why the said grievance of the applicant has been redressed by the respondent authorities.

9. As already stated, the main reliefs claimed by the applicant have already been redressed. We are satisfied that the application can be disposed of with no order as to costs with following directions:-

(i) We direct respondent No.1 to consider various representations filed by the applicant so also representation dated 10.5.2007 to the respondents (Annexure-N) and to take a decision on the grievance made by the applicant in his representation and particularly his grievance regarding promotion to IPS cadre and convey the same to the applicant in writing.

A decision on such representation shall be taken within three months from the date of this order.

(ii) No order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)

(Rajiv Agarwal)
Vice-Chairman (A)

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