

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 558 of 2018 (S.B.)

Vijaykumar Vitthalrao Wakse,
Aged 50 years, Occ. Assistant Police Inspector,
Police Training Centre, Laxmi Nagar,
Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through Secretary to the Govt. of Maharashtra,
Home Department, Mantralaya, Mumbai-400 032.
- 2) The Director General of Police,
Maharashtra State, Police Headquarters,
Colaba, Mumbai-400 032.
- 3) The Commissioner of Police,
Nagpur City. Nagpur.

Respondents.

S/Shri R.V. & N.R. Shiralkar, Advocates for the applicant.

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

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated :- 22/12/2021.

JUDGMENT

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. The applicant was working in Wadi Police Station as Police Sub Inspector (PSI). He was prosecuted for an offence

punishable u/s 7, 13 (1) (d) and 13 (d) of Prevention of Corruption Act, 1988 registered on 4/2/2008 vide Crime No.305/2008. The A.C.B. Court has conducted the trial against applicant in Criminal Case No.19/2010 and honourably acquitted the applicant. The State has not filed any appeal against the order of acquittal of applicant. The applicant was placed under suspension from 12/4/2008 to 13/3/2013. However, after acquittal of the applicant, the Joint Commissioner of Police, Nagpur treated the suspension period as service period for all purposes including pension. The applicant has been denied the promotion to the post of Police Inspector. He has also been denied the difference of pay and allowances for the post of Assistant Police Inspector w.e.f. 26/9/2011. The respondents have also denied the difference of salary for the period from 12/4/2008 to 13/3/2013. Therefore, the applicant has approached to this Tribunal by filing the present O.A.

3. The respondent no.2 filed affidavit-in-reply. In the reply, the respondent no.2 has stated in para-7 as under –

“(7) It is further submitted that so far as acquittal in the ACB case and treating the suspension period undergone by the applicant as duty period for all purposes and in compliance of order passed by this Hon’ble Tribunal in earlier O.A. 668/2015, the decision of releasing the increments has to be taken by the Commissioner of Police, Nagpur. If

the said is not done then this answering respondent will instruct the Commissioner of Police to do the needful immediately."

4. There is no dispute that the applicant had filed O.A.No. 668/2015 and as per the direction of this Tribunal, the suspension was cancelled and suspension period was treated as duty period. The applicant was also granted deemed date of promotion vide order dated 27/11/2017 w.e.f. 6/10/2011.

5. Heard learned counsel for the applicant. As per his submission, now issue is in respect of payment of increments only. The respondent no.2 has specifically stated in para-7 of the reply that it is for the Commissioner of Police, Nagpur to issue order in respect of payment of increments and if he fails to do so, then necessary direction will be given by respondent no.2.

6. Heard learned P.O. He has submitted that as per the direction of this Tribunal in O.A. 668/2015, the suspension period of applicant was cancelled and all the benefits are given to him.

7. As per the admission of respondent no.2 in para-7 of the reply, the applicant is entitled for increments of the suspension period and from the deemed date granted to the applicant as per the order dated 27/11/2017.

8. In that view of the matter, the following order is passed –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to release the increments in the grade of Police Sub Inspector from 12/4/2008 to 13/3/2013.
- (iii) The respondents are directed to grant the applicant pay and allowances of the post of Assistant Police Inspector as per the order dated 27/11/2017 w.e.f. 6/10/2011.
- (iv) No order as to costs.

Dated :- 22/12/2021.

(Justice M.G. Giratkar)
Member (J).

dnk*

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 Member (J).

Judgment signed on : 22/12/2021.

Uploaded on : 23/12/2021.