

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 613/2015 (S.B.)**

Nirbhay Krishnasingh Thakur,  
Aged 53 years, Occ. Service,  
Resident of Ward No.2,  
Tukum, Chandrapur,  
Tq. & Dist. Chandrapur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
- 2) The Special Inspector General of Police,  
Nagpur Range, Civil Lines,  
Nagpur.
- 3) The Superintendent of Police,  
Chandrapur, District Chandrapur.

**Respondents.**

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**S/Shri D.M. Kakani, G.K.Bhusari, V.V. Dhande, Advs. for the  
applicant.**  
**Shri A.M. Ghogre, P.O. for respondents.**

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**Coram :- Hon'ble Shri Anand Karanjkar,  
Member (J).**

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**JUDGMENT**

**(Delivered on this 3<sup>rd</sup> day of April,2019)**

Heard Shri G.K. Bhusari, learned counsel for the applicant  
and Shri A.M. Ghogre, learned P.O. for the respondents.

2. The applicant was attached to Ram Nagar Police Station,  
Chandrapur as Police Head Constable, the applicant was arrested

under Sections 7 & 13 (1) (d) r/w Section 13 (2) of the Prevention of Corruption Act. Thereafter there was a trial and learned Special Judge acquitted the applicant of the charges. After acquittal of the applicant there was departmental inquiry and in that inquiry the Disciplinary Authority, the Superintendent of Police, Chandrapur came to the conclusion that the misconduct was proved, therefore, vide order dated 31/01/2012 the authority, directed that one annual increment be withheld for one year.

3. The applicant challenged the order passed by the Disciplinary Authority by preferring departmental appeal. The departmental appeal was decided on 31/07/2013 by the Special Inspector General of Police (IGP), Nagpur Range, Nagpur. The Appellate Authority modified the order directing to withhold one increment for one year and order that fine of Rs.5,00/- be recovered from the applicant.

4. The applicant thereafter made representation to the Spl. IGP, Nagpur and requested that his suspension period from 1/5/2004 to 11/11/2010 be treated as duty period. The applicant was informed by the office of the Spl. IGP, Nagpur that vide order dated 18/12/2013 order was passed to treat the suspension period as a suspension and the Spl. IGP, Nagpur refused to interfere in the matter.

5. In present application it is submitted that the impugned order is contrary to law. Considering the facts and circumstances of the case the respondents should have treated the period of suspension as duty period. It is also submitted by the applicant that the Superintendent of Police, Akola in one another matter awarded punishment to other Police Officers directing him to pay fine Rs.1,000/- and treated the period of suspension as duty period. It is submitted that on the ground of parity the same relief be given to the applicant.

6. I have heard submissions on behalf of the applicant and on behalf of the respondents. It is pertinent to note that the applicant was prosecuted for offence punishable under the provisions of the Prevention of Corruption Act. No doubt the applicant was acquitted by the Special Court, but there was a full pledge departmental inquiry in which it was held that the applicant was guilty of the misconduct, consequently, the punishment was awarded to the applicant by the Superintendent of Police, Chandrapur and the Appellate Authority reduced that punishment to fine Rs.500/-. If these facts are considered, then it must be accepted that misconduct of the applicant was proved and therefore he was punished.

7. It is submission of the learned P.O. that the S.P., Chandrapur passed the order dated 18/12/2013 directing to treat the

period of suspension as suspension and this order was passed in view of the evidence in the inquiry that the applicant was involved in the offence punishable under the Prevention of Corruption Act. If all these facts are considered, then it seems that in the departmental inquiry there was evidence that the applicant was guilty of the misconduct accepting illegal gratification. It also seems that as the criminal case was registered against the applicant and he was arrested, therefore, he was placed under suspension. Once it is accepted that the misconduct of the applicant was proved in the departmental inquiry and the applicant was punished, then inference is to be drawn that there was a strong justification to place the applicant under suspension. It is pertinent to note that the applicant never challenged the punishment awarded to him in the departmental inquiry. Under these circumstances, there was a justification for suspension of the applicant and considering the same the S.P., Chandrapur directed to treat the period of suspension as suspension, therefore, I do not see any merit in this application. In the result, the following order –

**ORDER**

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

**Dated** :- 03/04/2019.

**(A.D. Karanjkar)**  
**Member (J).**

\*dnk.