

Thakur

[Sp1/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

No. MAT/MUM/JUD/3076 /2016
Maharashtra Administrative Tribunal,
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 20 AUG 2016

ORIGINAL APPLICATION NO. 997 OF 2015

Sub: D.E./Charge Sheet

1 Mr. Ahmed Allabaksh Shaikh,
C/o. Shri K.R.Jagdale, Adv. for the Applicant.

...APPLICANT/S.

V/s.

1 The State of Maharashtra,
Through The Secretary,
Home Dept., Mantralaya,
Mumbai.
3 The Deputy Commissioner of
Police, Central Region Railways,
Mumbai.

2 The Commissioner of Police,
Railways, Mumbai.
4 The DE Officer & Police Inspector,
Thane Railways Police Station,
Thane.

.. ..RESPONDENTS

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 12th day of August, 2016 has made the following order:-

APPEARANCE : Shri K.R.Jagdale, Adv. for the Applicant.
Smt. K.S.Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI. RAJIV AGARWAL, VICE-CHAIRMAN.**
HON'BLE SHRI. R.B.MALIK, MEMBER (J).

DATE : **12.08.2016.**

ORDER : Order Copy Enclosed/Order Copy Over Leaf

Masal
20/8/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

O.A.997/2015

Shri A.A. Shaikh ... Applicant
Vs.

The State of Mah. & Ors. ... Respondents

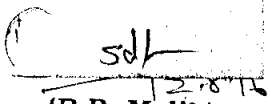
This OA is made by a Police Constable seeking stay to the departmental enquiry that has been initiated against him till such time as the Criminal Case on the same set of fact vide CR 94/PW/15 in FIR No.36/2013 was decided.

We have perused the record and proceedings and heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

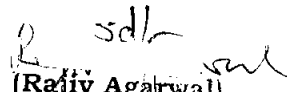
As a matter of fact, a very detailed account of events need not be set out. It would be suffice to mention that the dispute between the present Applicant and a lady has acquired serious proportions and on the same set of facts, FIR has been registered against the Applicant under Sections 418, 465, 467, 471, 498-A, 504 and 506 of the Indian Penal Code. We are told at the Bar that the charge-sheet has not been laid before the Court of competent criminal jurisdiction so far, but the DE has progressed. The learned P.O. on instructions from Shri Raviraj Mohite, Police Naik informs that the said DE has been completed, but the outcome has not been declared because of the pending criminal matter. In that behalf, the contents of Para 13 of the Affidavit-in-reply of Shri Dattatray B. Pable, Senior PI (Page 148 of the P.B.) are also highly significant and the same need to be reproduced verbatim.


"With reference to para 7.7, I say that Respondent No.2 to 4 are not agreed with contents, because as per the Government Resolution, Home Department, Maharashtra State, dt. 29.6.1990, the result of the said D.E. will be kept reserved till final disposal of the criminal case. Hence, D.E. procedure is not harmful to applicant."

Now, the above Paragraph can be treated as an undertaking on behalf of the Respondents and the OA can be disposed of. That is the best course of action to be adopted. The OA is, therefore, disposed of by treating Para 13 above quoted from the Affidavit-in-reply and undertaking. No order as to costs.


(R.B. Malik)
Member (J)
12.08.2016

(skw)


(Rajiv Agarwal)
Vice-Chairman
12.08.2016

TRUE COPY

20/8/2016
Asstt. Registrar/Research Officer
Maharashtra Administrative Tribunal
Mumbai.