

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 36 OF 2015

DIST. : NANDED

Ramkishan Gangaram Jakulwar,
Aged 50 years, Occu. Service,
R/o Somesh Colony, Behind Kala Mandir,
Nanded, Dist. Nanded.

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APPLICANT

VERSUS

1. The State of Maharashtra,
(The Department of Home,
Government of Maharashtra,
Mantralaya, Mumbai . 32
Through the Secretary)
(Copy to be served on C.P.O.,
MAT, Aurangabad.

2. The District Superintendent of Police,
Nanded, Dist. Nanded.

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RESPONDENTS

APPEARANCE : Shri M.D. Godhamgaonkar, learned Advocate
for the applicant (absent).

: Shri M.P. Gude, learned Presenting Officer for
respondents.

CORAM : HON'BLE SHRI J. D. KULKARNI, MEMBER (J)

ORAL ORDER

(Passed on 1.12.2016)

1. Shri M.D. Godhamgaonkar, learned Advocate for the applicant
(absent). Heard Shri M.P. Gude, learned Presenting Officer for the
respondents.

2. Vide order passed by this Tribunal on 23.6.2016 it was observed that

“None present for the applicant. On the last date also nobody appeared for the applicant. This matter, therefore, be kept for passing necessary orders on 4.8.2016.”

3. On 4.8.2016, this Tribunal observed that applicant and his learned Counsel were not appearing since the matter was transferred to S.B. It was further observed that the applicant is claiming stay to the D.E. till the final decision of criminal case no. 853/2012 pending against him in the Court of learned C.J.M., Nanded. The learned P.O. was directed to take instructions as to what happened with that case.

4. Today, the learned P.O. filed one communication issued by the Police Inspector, Nanded to the Superintendent of Police, Nanded dated 7.9.2016, copy thereof is taken on record and marked as document Xq for the purpose of identification. From the said communication, it seems that the criminal case is still pending against the applicant before the learned C.J.M., Nanded and it was fixed on 13.10.2016 for evidence.

5. The only relief claimed by the applicant is that, no departmental action shall be taken against the applicant till the decision of the criminal case on the said facts and circumstances.

6. A show cause notice has been issued to the applicant on 4.9/10.2014 as per Annex. A.11, whereby the applicant was directed to show cause as to why he shall not be dismissed from the service and as to why the period of his suspension shall not be treated as suspension only. The learned P.O. submits that, no action has been taken on the said show cause notice as the criminal case no. 853/2012 is pending against the applicant in the Court of learned C.J.M., Nanded. Admittedly, even today also the said criminal case is pending.

7. In view thereof, I pass following order :-

ORDER

- (i) The O.A. no. 36/2015 stands disposed of.
- (ii) The respondents are directed not to take any final action in furtherance of show cause notice dated 4.9/10.2014 (Annex. A.11) till the decision of criminal case no. 853/2012 pending against the applicant in the Court of learned C.J.M., Nanded.

There shall be no order as to costs.

MEMBER (J)