

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.202 OF 2021**

**DISTRICT: KOLHAPUR  
SUBJECT: SUSPENSION**

Shri Angad Rambhau Jadhavar, )  
(Deputy Superintendent of Police) )  
Aged-Adult, Occu: Service (Under Suspension) )  
R/a. Om Sai Pant Krupa, Doctors Colony, )  
Gadhinjilaj, District: Kolhapur, ) **.Applicant**

**Versus**

1. The State of Maharashtra, )  
Through its Additional Chief Secretary, )  
Department of Home, Mantralaya, )  
Mumbai-32. )
2. The Director General of Police, )  
State of Maharashtra, Mumbai. )
3. The Special Inspector General of Police, )  
Kolhapur Range, Main Road, )  
Kolhapur City, Kolhapur - 416012. )
4. The Superintendent of Police, )  
Kolhapur District, Kasaba Bawada Main Rd )  
Ramanlala Kolhapur, )  
Maharashtra - 416003. )
5. The Police Inspector, Chandgad Police )  
Station, Taluka: Chandgad, )  
District: Kolhapur. ) **.Respondents**

**Shri A.P. Jadhav, learned Advocate for the Applicant.**

**Shri A.J. Chougule, learned Presenting Officer for the Respondents.**

**CORAM** : **Shri A.P. Kurhekar, Member (J)**

**DATE** : **24.09.2021.**

**JUDGMENT**

1. The Applicant while serving as Sub Divisional Police Officer (SDPO) at Gadhinglaj, District Kolhapur, came to be suspended by order dated 20.10.2020 under contemplation of Departmental Enquiry (D.E.) on allegation that he demanded bribe to delete name of accused namely Shri Ganesh Phatak from prosecution. Later Applicant's suspension has been revoked and he is reinstated on non-executive post by order dated 20.04.2021 passed by the Government. Government by order dated 14.06.2021 posted the Applicant on non-executive post as Superintendent of Police, District Caste Certificate Verification Committee, Pune and accordingly he joined there.

2. Learned Advocate for the Applicant submits that since suspension is revoked the challenge in the present O.A. is restricted to the posting of the Applicant on non-executive post at Pune. According to him since the Applicant is retiring at the end of Feb-2022 he ought to have been posted on non-executive post Pune at the time of revocation of suspension.

3. Whereas, learned P.O. submits that in view of serious misconduct in contemplation of D.E. the Applicant came to be suspended and D.E. is already initiated. He further submits that the Applicant cannot claim any particular post after reinstatement in service.

4. Thus what transpires from the record that suspension is revoked and the Applicant is already reinstated in service at Pune. At the time of suspension he was serving at Superintendent of Police Office, Gadhinglaj, District Kolhapur. The perusal of record further reveals that D.E. is already initiated by pursuance of charge-sheet dated 26.04.2021. As such D.E. seems in process.

5. The issue posed for consideration is whether on reinstatement in service the Applicant can ask for particular post on the ground that he is retiring at the end of Feb-2022 and the answer is in negative.

6. Government have taken policy decision to take review of the Government servant who are under suspension and if committee recommends for revocation of suspension a Government servant is to be given posting on non-executive post as seen from G.R. dated 14.10.2011, 12.02.2013 and 31.01.2015. In G.R. dated 14.10.2011 it is specifically provided that where a Government servant is suspended on ground of registration of serious crime and review committee recommends for revocation of suspension then the said Government servant may be reinstated in service on non-executive post subject to final decision on criminal case or D.E. This is to ensure and to maintain public confidence and keep concerned Government servant away from place where he committed misconduct. As such the decision to repost the

Government servant on non-executive post is administrative decision which ensures smooth and expeditious completion of criminal case and D.E. and to eliminate the chances of tempering evidence by giving the Government servant same posting where misconduct had taken place.

7. True the Applicant is retiring at the end of Feb-2022. He was at Gandhinglaj where the alleged misconduct had taken place and it was his last posting but he cannot be given the posting in Kolhapur District since it would be contrary to the policy decision taken by the Government and would frustrate the very purpose of reposting a Government servant at different place. The reposting of Government servant on reinstatement at some other places is often necessitated to keep him away from the place where enquiry is being conducted so that the chances of tempering of witness is kept at bay. It is in this context the Applicant is given reposting at Pune on non-executive post.

8. Needless to mention that the Applicant have no right much less legal vested right to ask for posting in Kolhapur District on reinstatement in service. The submission advanced by learned Advocate for the Applicant that his client ought to have been given reposting at Kolhapur District is devoid of any merit.

9. In view of above, I see no merit in O.A. and it is accordingly disposed of with no order as to costs.

Sd/-

**(A.P. Kurhekar)**  
**Member (J)**

Place: Mumbai  
Date: 24.09.2021  
Dictation taken by: N.M. Naik.