

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION No.1133 of 2016****District : SANGLI**

Sameer J. Mulla)
R/at. Nadaf Falli, behind Masjid, Jat)
High School Road, Tal. Jat, Dist.Sangli)..... Applicant

Versus

The Superintendent of Police,)
S.P. Office, Sangli, Vishram Baug,)
Sangli 416416.).....Respondent

Shri S.S. Dere, Advocate for Applicant.

Ms N.G. Gohad, Presenting Officer for Respondents.

CORAM : SHRI R.B. MALIK (MEMBER-JUDICIAL)

DATE : 15.03.2017

ORDER

1. A suspended police constable has brought this Original Application there against.

2. The order impugned herein was made on 30.05.2016. The suspension followed allegations that the Applicant was improperly in contact with hardened criminals. I must, however make it quite clear that in this particular judgment, I make not even an observation much less a finding on merit of the O.A. The learned P.O. informs that in the Review meeting a decision has been taken to continue the order of suspension.

3. The Applicant has been under suspension now for about more than nine months but at the time of the submissions, I was told that the departmental enquiry (DE) has already gone underway and is appointed for 16.03.2017 which is tomorrow for evidence. In my opinion, therefore, in order to balance the interest of both the sides an outer time limit should be fixed for the completion of the

enquiry in every respect because as I mentioned just now that would ensure that the Applicant comes to know about his fate sooner than later and the Respondents shall also be able to make sure that the DE is concluded but within a time limit.

4. I shall not give directions in the present O.A. as far as the suspension is concerned. However, I make it clear that this aspect of the matter does not necessarily mean that the review should not be held at all.

5. Shri S.S. Dere, the learned Advocate invites my attention to the meeting of the Review Committee on 03.12.2016 and in case of the Applicant at Serial No.12 the reasons for not revoking his suspension was that the charge-sheet was not ready and issued. Now, the charge-sheet has been issued and, therefore, under the relevant guidelines it will be open to the Respondents to exercise their own powers and consider the issue of revocation of suspension. I clarify with the decision of this O.A. shall not be so construed as to mean that I have pronounced anything upon the issue of suspension. I have in fact not done so. Therefore, I direct that the Respondents shall be free to exercise their powers in the matter of periodical review of suspension.

6. This Original Application is disposed of with a direction that the pending DE against the Applicant which is now appointed for tomorrow (16.03.2017) be completed in all respects including making the final order within three months from today. No order as to costs.

Sd/-
(R.B. Malik)
Member (J)
15.03.2017