

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO. 268 OF 2016**

**DISTRICT :Mumbai**

Shri Tanaji Kashinath Borse, )  
Aged Adult, Working as Chief )  
Intelligent Officer, Having Office )  
at State Intelligence Department, )  
Bhayandar Centre, Dist. Thane, )  
R/o. Balaji Garden, A-Wing, )  
Phase -5, Bhayandar [E], )  
Dist. Palghar. )...Applicant

**VERSUS**

1. The State of Maharashtra, )  
Through the Chief Secretary, )  
Home Department, )  
Having Office at Mantralaya, )  
Mumbai - 400 032. )
2. The State of Maharashtra, )  
Through Additional Chief )  
Secretary, Home Department, )  
Having Office at Mantralaya, )  
Mumbai - 400 032. )
3. The Director General and )  
Inspector General of Police, )  
Maharashtra State, Mumbai, )  
Having Office at Old Council Hall, )  
Shahid Bhagatsinh Marg, )  
Mumbai - 400 039. )



4. State Intelligence )  
 Department [Administration], )  
 Mumbai, Having Office at )  
 Old Council Hall, )  
 Shahid Bhagatsinh Marg, )  
 Mumbai - 400 039. )
5. The Superintendent of Police, )  
 Thane [Rural], Thane, )  
 Court Naka, Opp. Police School, )  
 Thane [W]- 400 601. )....**Respondents**

Shri Prashant Suryavanshi holding for Shri G.M. Savagave,  
 learned Advocate for the Applicant.

Smt. K.S. Gaikwad, learned Presenting Officer for the  
 Respondents.

**CORAM : Shri R.B. Malik, Member (J)**

**DATE : 18.03.2016**

**ORDER**

1. This O.A. is, by consent disposed of at this stage  
 itself. I have perused the record and proceedings and heard  
 Shri Prashant Suryavanshi, the learned Advocate holding for  
 Shri G.M. Savagave, the learned Advocate for the Applicant  
 and Smt. K.S. Gaikwad, the learned Presenting Officer for the  
 Respondents.

2. Both the sides agree that the facts of this O.A. are  
 exactly similar to the facts in O.A.No.205 of 2016, dated

03.03.2016 and O.A.No.600 of 2015, dated 04.03.2016 and therefore being disposed of in the same terms.

3. For facility and in order to avoid confusion, the entire order in O.A.No.600 of 2015 is reproduced hereinbelow:-

"2. Hearing rival submissions, it now becomes very clear that in disposing of O.A no 205/2016, in which the Applicant is a co-delinquent of the present Applicant in O.A no 600/2015, one of us sitting singly, [R.B.Malik, Member (J)] made an order which is now placed before us. On parity of reasoning, this Original Application will also have to be disposed of in the same line. In all fairness, however, to Mr Pendse, he wanted some kind of a modification therein to clearly indicate that it will be open to the Applicant to even challenge the main findings on the guilt and in that sense to give hearing on the charge itself. Secondly, he requested for reduction of time from three months given there to either one or two months.

3. As a matter of fact, it is in the interest of all concerned that we do not make observations which are prone to lead to some embarrassment on account of genuine misunderstanding or otherwise. The whole thing is very clear and the entire record of enquiry is there and therefore, we do not think any modification would be necessary as argued by Mr Pendse. Further in the context of the facts such as they are, although, it is true that the enquiry got delayed, but then the time given by the order above referred to is in our view just and proper.



4. For avoidance of any confusion, the entire order in O.A no 205/2016 from para 2 onwards is reproduced herein below and the same shall be the order herein.

“2. On instructions, the learned P.O for the Respondents informs that the Additional Director General of Police (Admn) shall first give an opportunity of being heard to the Applicant.

3. He shall then submit his report to the Director General of Police and the Director General of Police shall also give an opportunity of being heard to the Applicant and then only appropriate order will be made in the matter.

4. At the request of learned P.O for the Respondents it is directed that the entire exercise be completed within three months from today and the same be communicated to the Applicant within one week thereafter and in case the decision is against the Applicant the effect thereto will be held in abeyance for the period of two weeks.

5. With this O.A stands disposed of with no order as to costs.”

5. Accordingly, this Original Applications stands disposed of with no order as to costs. Hamdast.”

4. This O.A. is accordingly disposed of in the same terms with no order as to costs. ✓

Sd/-

**(R.B. MALIK)**  
**(MEMBER) (J)**

Date : 18.03.2016

Place : Mumbai

Dictation taken by : SBA

D:\savita\2016\March, 2016\O.A.No.268 of 2016.doc