

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**O.A.No.439/2013 (AURANGABAD BENCH)
(Through video conference)**

Sakharam Gangaram Choughule)
R/o. Police Head Quarter, Balepeer,)
Beed, Tal & Dist. Beed) **....APPLICANT**

VERSUS

1. The State of Maharashtra)
Through its Secretary, Home)
Department, Mantralaya,)
Mumbai 32)

2. The Special Inspector General of)
Police, Aurangabad Range,)
Aurangabad.)

3. The Superintendent of Police)
Beed, District Beed.) **....RESPONDENTS**

Mr. R.D. Khadap, learned Counsel for the Applicant.

Ms. M.S. Patni, learned Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar, Chairperson
Ms. Medha Gadgil, Member (A)**

DATE : **20.09.2023.**

J U D G M E N T

1. Applicant prays that this Tribunal be pleased to quash and set aside the impugned order dated 25.09.2012 and direct the Respondent No.2 to give yearly increment to the applicant. Further the order dated 14.07.2010 passed by the Respondent No.3 be quashed and set aside and all consequential benefits for the period

form 15.09.2007 to 06.08.2008 be given to the applicant. The Applicant also prays that the order dated 30.04.2013 be quashed and set aside.

2. Learned Counsel for the Applicant has submitted that the retired as Police Head Constable on 31.07.2012. By order dated 13.09.2007 the applicant was suspended. The said suspension order was revoked by order dated 04.08.2008. Learned Counsel for the Applicant has submitted that the order dated 25.09.2012 was passed by the Respondent No.3 thereby stating that the charges which are levelled against the Applicant are proved solely on the basis of the preliminary inquiry and hence the suspension period of the Applicant from 19.06.2007 to 08.08.2008 was treated as suspension period. Learned Counsel for the Applicant challenges order dated 14.07.2010 passed in the preliminary inquiry wherein directions were issued for stoppage of yearly increment for two years. Learned Counsel for the Applicant has submitted that the Applicant claims all service benefits during the period from 15.09.2007 to 06.08.2008 i.e. the period of suspension. Learned Counsel has submitted that the Applicant has preferred the appeal against the order dated 14.07.2010. The said order was challenged before the Special I.G. The Special I.G., Aurangabad passed an order to that effect reducing the punishment of stoppage of yearly increment by two years without cumulative effect. Thereafter, learned Counsel has submitted that the said revised order was placed before the Additional Director General of Police. Learned Counsel has submitted that by order dated 27.04.2015 the punishment was further reduced to stoppage of yearly increment by

one year instead of two years without cumulative effect. Learned Counsel has submitted that the Appeal is filed against the said order on 28.09.2012 before the Special IG Aurangabad. Copy of the said Appeal is annexed as Exhibit-D. No decision is taken on that appeal till date.

3. Learned P.O. for the Respondents relies on the short affidavit-in-reply dated 09.03.2023 filed on behalf of Respondent No.3 through Mr. Nandkumar T. Thakur, Superintendent of Police, Beed. Learned P.O. has pointed out that the subsequent appeal was made available to the office of Respondent No.2, through the office of C.P.O. Maharashtra Administrative Tribunal by letter dated 08.03.2023. Learned P.O. seeks time to take instructions. Learned P.O. has further submitted that the said Appeal is not yet decided.

4. Under such circumstances, we direct Respondent No.2, the Special Inspector General of Police, Aurangabad to decide the appeal within three weeks i.e. on or before 11.10.2023 on the point of regularization of the period of suspension and inform the same to the Applicant within one week thereafter.

5. With the above directions, O.A. stands disposed of.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk