IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

ORIGINAL APPLICATION NO.598 OF 2016

DISTRICT : MUMBAI

Shri Rahul Damurao Pawar.)
Age : 29 Yrs., Occu.: Nil, Ex-Police)
Constable, R/o. Santkrupa Society,)
Room No.5, Sea Estate Road No.2,)
Samta Nagar, Kandivali (E), Mumbai – 101.) **...Applicant**

Versus

1. The State of Maharashtra.)
Through Principal Secretary,)
Home Department, Mantralaya,)
Mumbai – 400 032.)

2. The Commissioner of Police.)
Mumbai, Having Office at Mumbai)
Police Commissionerate, L.T. Marg,)
Opp. Crawford Market, Fort,)
Mumbai – 400 001.)

3. The Deputy Commissioner of Police.)
Armed Police, Worli, Mumbai – 18.) **...Respondents**

Mr. Arvind A. Bandiwadekar, Advocate for Applicant.

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

CORAM : SHRI A.P. KURHEKAR, MEMBER-J
SMT. MEDHA GADGIL, MEMBER-A

DATE : 09.07.2021

PER : SHRI A.P. KURHEKAR, MEMBER-J

JUDGMENT

1. The Applicant has challenged the order dated 03.05.2014 thereby terminating his services from the post of Police Constable exercising Clause 78(1)(viii) of Maharashtra Police Manual, 1999 invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

2. Shortly stated facts giving rise to this O.A. are as under :-

The Applicant was appointed as Police Constable by order of Respondent No.3 – Deputy Commissioner of Police, Armed Police, Mumbai by order dated 12.09.2012 on probation. Accordingly, the Applicant joined Police Training Centre, Akola. However, during the course of training, he remained absent without permission and secondly, offence under Section 379 of Indian Penal Code came to be registered against him vide Crime No.114/2013 in Police Station, Akola on the allegation of committing theft of ATM Card of his room-mate Shri Bhagwan Magar and had withdrawn Rs.23,000/- from the Bank. On 05.03.2014, the Applicant reported on duty by making an application stating that due to death of his maternal grandfather because of Tuberculosis (TB), he had to leave the Training Centre and requested to get him join. However, he was not allowed to join. Later, Respondent No.3 - Deputy Commissioner of Police by order dated 03.05.2014 terminated the Applicant's services invoking Clause 78(1)(iii) of Maharashtra Police Manual, 1999, which is under challenge in the present O.A.

3. At this juncture, it would be apposite to reproduce the contents of impugned order dated 03.05.2014, which are as under :-

> "पोलीस शिपाई प्रशिक्षणार्थी क्रमांक ५०८ (छाती क्र.१७२६८) राहुल दामूराव पवार यांना या आदेशाद्वारे कळविण्यात येते की, त्यांच्या सेवेची या खात्यास यापुढे आवश्यकता नसल्यामुळे त्यांना हे आदेश स्वीकारल्याच्या दिनांकापासून महाराष्ट्र पोलीस नियमावली १९९९ भाग-१ मधील नियम क्रमांक ७८(१)(VIII) अन्वये त्यांची सेवा समाप्त करण्यात येत आहे.''

4. It would be also apposite to reproduce Condition Nos.7, 9 and 10 of appointment order dated 12.09.2012 relied upon by the learned Presenting Officer, which are as under :-

> "७. सदरचे प्रशिक्षण प्रशिक्षण आपणास समाधानकारकरीत्या पूर्ण करावे लागेल. तसेच त्यासाठी विहीत केलेल्या परीक्षेमध्ये आपणास एकूण ४ संधीत उत्तीर्ण व्हावे लागेल. सदरचे प्रशिक्षण आपण समाधानकारकरीत्या पूर्ण न केल्यास अथवा परीक्षेमध्ये विहित संधीत उत्तीर्ण न झाल्यास आपले सेवा कोणत्याही वेळी समाप्त करण्यात येईल. तसेच त्या कालावधीतील देय वार्षिक वेतनवाढी आपणास मिळणार नाहीत.
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> ९. प्रशिक्षण कालावधीत आपणामध्ये कोणत्याही प्रकारचा दोष आढळल्यास किंवा प्रशिक्षण करण्यात आपण हेतु:पुरस्कर टाळाटाळ केल्यास किंवा कोणत्याही प्रकारचे गैरवर्तन केल्यास आपली सेवा पोलीस नियम आणि नियमावली भाग-१ मधील नियम क्र.७८(१)(VIII) अन्वये कोणतेही कारण न देता केव्हाही समाप्त करण्यात येईल किंवा मुंबई पोलीस (शिक्षा व अपील) नियम १९५६ मधील तरतुदीनुसार सेवा समाप्त करण्यात येईल.
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> १०. प्रशिक्षण कालावधीत आपणांस कोणत्याही प्रकारची सुट्टी मिळणार नाही. प्रशिक्षण कालावधीत वरिष्ठ अधिका-यांच्या परवानगीशिवाय आपण गैरहजर राहिल्यास अथवा वरिष्ठ अधिका-यांशी/सहका-यांशी गैरवर्तन केल्यास अथवा रजा मिळण्यासाठी कोणत्याही प्रकारचे खोटे दाखले/प्रमाणपत्र सादर केल्याचे निदर्शनास आल्यास आपली सेवा कोणतेही कारण न देता केव्हाही समाप्त करण्यात येईल.''

5. Shri A.V. Bandiwadekar, learned Advocate for the Applicant sought to assail the legality and validity of the impugned order dated 03.05.2014 on following grounds :-

(i) The appointing authority of the Applicant is Respondent No.2 – Commissioner of Police, Mumbai but impugned termination order being issued by Deputy Commissioner of Police, Armed Police is bad in law, since it is only appointing authority i.e. Commissioner of Police is competent to terminate the services of the Applicant in law, as provided under Article 311(2) of the Constitution of India.

(ii) Though impugned order dated 03.05.2014 is couched in such a language which seems to be simplicitor termination of service on probation in law, it is the order of termination of service attributing serious misconduct viz. unauthorized absence from training school and secondly, registration of criminal offence against the Applicant. Therefore, it is stigmatic and punitive termination, which is not permissible in absence of regular D.E. giving fair opportunity of hearing to rebut the charges levelled against him. He, therefore, submits that the impugned order is in

contravention of the provisions of Maharashtra Police (Punishment & Appeal) Rules, 1956 as well as settled legal position of law. He has pointed out that though the impugned order seems to be innocuous order, the Tribunal is required to lift the veil to see the real circumstances and the foundation of the order to find out whether it is simplicitor discharge from probation or punitive.

6. Per contra, Ms. N.G. Gohad, learned Presenting Officer sought to justify the impugned order inter-alia contending that the Applicant was on probation and in view of Condition Nos.9 and 10 of appointment order (reproduced above). It is simplicitor termination of service during probation which does not require full pledge departmental enquiry. She, therefore, submits that the impugned order dated 03.05.2014 is in consonance with the Conditions mentioned in the appointment order. As regard competency of Respondent No.3 – Deputy Commissioner of Police, she submits that the appointment of the Applicant was under the order of Deputy Commissioner of Police, and therefore, Deputy Commissioner was competent to terminate the services of the Applicant. In this behalf, reference is made to Office Order dated 02.08.2010 (Page No.35 of Paper Book) issued by Office of Police Commissioner, Mumbai stating that in case of appointment of Police Constable after June, 1993, the appointing authority is Deputy Commissioner of Police and such matters of termination need not be sent to the Office of Commissioner of Police.

7. Shri Bandiwadekar, learned Advocate for the Applicant referred to various decisions of Hon'ble Supreme Court as well as decision rendered by the Tribunal to substantiate his contention that in facts and circumstances of the case, the impugned order is not simplicitor order of discharge from probation but in reality, it is founded on alleged misconduct, and therefore, without holding regular enquiry, the same is punitive and impermissible in law.

(I) The question as to in what circumstances and how the services of a probationer can be terminated has been considered by the Hon'ble Supreme Court in ***AIR 1974 SC 2192 [Samsher Singh Vs. State of Punjab and Anr.]*** wherein it has been held as under :-

> "*No abstract proposition can be laid down that where the services of probationer are terminated without saying anything more in the order of termination that it can never amount to a punishment in the facts and circumstances of the case. If a probationer is discharged on the ground of misconduct or inefficiency or for similar reason without a proper enquiry and without his getting a reasonable opportunity of showing cause against his discharge it may in a given caseamount to removal from service within the meaning of Article 311(2) of the Constitution.*
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> *Before a probationer is confirmed the authority concerned is under an obligation to consider whether the work of the probationer is satisfactory or whether he is suitable for the post. In the absence of any Rules governing a probationer in this respect the authority may come to the conclusion that on account of inadequacy for the job or for any temperamental or other object not involving moral turpitude the probationer is unsuitable for the job and hence must be discharged. No punishment is involved, in this. The authority may in some cases be of the view that the conduct of the probationer may result in dismissal or removal on an inquiry. But in those cases the authority may not hold an inquiry and may simply discharge the probationer with a view to giving him a chance to make good in other walks of life without a stigma at the time of termination of probation. If, on the other hand, the probationer is faced with an enquiry on charges of misconduct or inefficiency or corruption, and if his services are terminated without following the provisions of Article 311(2) he can claim protection. In Gopi Kishore Prasad v. Union of India AIR 1960 SC 689 it was said that if the Government proceeded against the probationer in the direct way without casting any aspersion on his honesty or competence, his discharge would not have the effect of removal by way of punishment. Instead of taking the easy course the Government chose the more difficult one of starting proceedings against him and branding him as a dishonest and incompetent officer.*
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> *The fact of holding an inquiry is not always conclusive. What is decisive is whether the order is really by way of punishment. (See State of Orissa v. Ramnarain Das [1961] 1 SCR 606 = (AIR 1961 SC 177). If there is an enquiry the facts and circumstances of the case will be looked into in order to find out whether the order is one of dismissal in substance (See Madan Gopal v. State of Punjab (1963) 3 SCR 716 = (AIR 1963 SC 531). In R.C. Lacy v. State of Bihar (Civil Appeal No. 590 of 1962 decided on 23.10.1963 (SC) it was held that an order of reversion passed following an enquiry into the*

conduct of the probationer in the circumstances of that case was in the nature of preliminary inquiry to enable the Government to decide whether disciplinary action should be taken. A probationer whose terms of service provided that it could be terminated without any notice and without any cause being assigned could not claim the protection of Article 311 (2). (See R.C. Banerjee v. Union of India (1964) 2 SCR 135 = (AIR 1963 SC 1552). A preliminary inquiry to satisfy that there was reason to dispense with the services of a temporary employee has been held not to attract Article 311 (See Champaklal G. Shah v. Union of India (1964) 5 SCR 190 = (AIR 1964 SC 1854). On the other hand, a statement in the order of termination that the temporary servant is undesirable has been held to import an element of punishment (See Jagdish Mitter v. Union of India A.I.R. 1964 S.C. 449).

If the facts and circumstances of the case indicate that the substance of the order is that the termination is by way of punishment then a probationer is entitled to attract Article 311. The substance of the order and not the form would be decisive (See K.H. Phadnis v. State of Maharashtra (1971) Supp. SCR 118) = (AIR 1971 SC 998)..

An order terminating the services of a temporary servant or probationer under the Rules of Employment and without anything more will not attract Article 311. Where a departmental enquiry is contemplated and if an enquiry is not in fact proceeded with Article 311 will not be attracted unless it can be shown that the order though unexceptionable in form is made following a report based on misconduct. (See State of Bihar v. Shiva Bhikshuk (1971) 2 SCR 191 = (AIR 1971 SC 1011)."

(II) In **Jarnail Singh Vs. State of Punjab (1987) SCR 1022**, the Hon'ble Supreme Court held as under :-

"*When an allegation is made by the employee assailing the order of termination as one based on misconduct though couched in innocuous terms, it is incumbent on the court to lift the veil and to see the real circumstances as well as the basis and foundation of the order complained of. In other words, the Court, in such a case, will lift the veil and will see whether the order was made on the ground of misconduct, inefficiency or not."*

(III) In ***Hari Ram Maurya Vs. Union of India & Ors. [2006 SCC (L & S) 1677***, the Hon'ble Supreme Court observed that even where employee is under temporary employment, his services cannot be terminated on a charge of bribery without holding enquiry and thereafter acting in accordance with law. It is held as under :-

"*From the order of termination Annexure P-7, it appears that the same refers to the show-cause notice dated 20.8.2002 which is to be found at Annexure P-5. It is stated therein that the appellant demanded kickback with a view to help the complainant to get a favourable order in the pension matter. That being so, there was a clear charge of bribery leveled against the appellant. No doubt, the appellant was a temporary employee, but if he is sought to be removed on the ground that he was guilty of the charge of bribery, it becomes necessary for the respondent Union of India to hold an inquiry and thereafter to act in accordance with law. In this case, admittedly, no inquiry was conducted, and that is obvious even from Annexure P-7, the letter described as disengagement of causal labour. We, therefore, allow this appeal and set aside the order of the High Court as also the order of termination Annexure P-7 dated 30.9.2002. This, however, will not prevent the respondents from taking action in accordance with law.*"

(IV) In ***1996 I CAT MAT 335 (Bapu Deorao Deore Vs. Commissioner of Police, Nagpur & Ors.)***, it is held as under :-

"*The impugned order of termination is an order of termination simplicitor which merely recites that the services of the petitioner are terminated i.e. from the date of its receipt by him as his services are no longer required. The question as to in what circumstances and how the services of a probationer can be terminated, came to be considered by the Supreme Court in the case of Samsher Singh v. State of Punjab and another, reported in AIR 1974 SC 2192. (Para 8)*

After reproducing material portion from the aforesaid judgment, it is observed that it is now well settled that Court can lift the veil and consider the real cause or reason for terminating the services of the Government servant under an innocuous order.

Suffice it to mention here that the contentions as raised by the respondents are so clear that it is because of the alleged misconduct on the part of the petitioner i.e. he was found involved in the corrupt practice of grabbing money in the aforesaid liquor shop, his services came to be terminated. It is also not shown that under the rules of his employment, his services could be terminated during the probation period by an innocuous order as one before us. Thus, it cannot be said that the services of the petitioner during his probation period under the impugned order have been terminated either under the rules of his employment or pursuant to the condition attached to his appointment.

It is quite apparent from the contentions raised by the respondents themselves that an enquiry was held, though not a disciplinary enquiry in which he was found indulging in corrupt practice as aforesaid and, therefore, his services came to be terminated. So, it is not a case wherein it can be said that the services of the petitioner during his probation period came to be discharged

without casting a stigma with a view to give him a chance to make good in other walks of his life. The conclusion is inescapable that the services of the petitioner came to be terminated under the impugned order by way of punishment. It is an admitted position that no enquiry as contemplated under Article 311(2) of the Constitution was held against the petitioner before the impugned order was passed. The enquiry said to have been held against him, was an enquiry into the complaint filed by Shri Lakhe regarding the aforesaid episode. Such an enquiry cannot take place of a regular enquiry as contemplated under the aforesaid Article. It must, therefore, follow that since the impugned order of termination was passed without holding the regular enquiry as contemplated under Article 311(2) of the Constitution, it is bad in law inasmuch as ini the given facts and circumstances, there is no escape from holding that it was passed by way of punishment through innocuously worded."

(V) The decision rendered by this Tribunal in **O.A.No.316/2006 (Ramkishan R. Jadhav Vs. The Superintendent of Police, Thane) decided on 21.02.2007** where in similar situation, the order of termination being found punitive, the same was quashed and set aside in view of decisions rendered by Hon'ble Supreme Court in ***Samsher Singh's*** case and others (cited supra).

9. In view of aforesaid legal scenario, it is no more res-integra that even if termination order is apparently innocuous order whether it is termination simplicitor or punitive has ultimately to be decided having regard to the facts and circumstances of each case. Sometime, the facet or background of the termination order may be simplicitor but the real face behind it is to get rid of the services of a probationer on the basis of misconduct. Therefore, it is imperative to travel beyond the order of termination simplicitor to find out in reality what weighed to the employer to terminate the services of a probationer. Bearing in mind this settled legal position, now let us see whether in facts and circumstances of the present matter, the impugned order is simplicitor discharge from service or it is punitive attributing misconduct to the Applicant.

10. The Respondents all that emphasized on the formal wording of the impugned communication that it is simple termination from service in

exercise of Clause 78(1)(viii) of Maharashtra Police Manual, 1999 and Condition Nos.8 and 9 of appointment order. In so far as Clause 78(1)(viii) of Maharashtra Police Manual as quoted in impugned order is concerned, it reads as under :-

> "**78(1)(viii)** In all cases of discharge, the order should not mention any reason for discharge beyond stating that the services of the concerned person are no longer required."

Whereas, as per Condition No.9 of the appointment order, in the event of misconduct, the probationer's services can be terminated without assigning any reason.

11. However, as stated above, one need to find out the foundation or grounds which weighed Respondents to terminate the services of the Applicant. If it is simplicitor termination of service on account of unsuitability or unsatisfactory performance, then it does not require full pledged D.E. and protection under Section 311(2) of the Constitution of India is not available in such situation. Whereas in the present case, curiously in Affidavit-in-reply, the Respondents has categorically and specifically attributed certain misconduct to the Applicant.

12. In this behalf, the averments made in Affidavit-in-reply are worth to note, which are as under :-

"Material to note that in Affidavit-in-reply, the Respondents sought to attribute misconduct to the Applicant by making following averments:-

> "It is submitted that the Applicant committed offence u/s 379 of IPC. This shows misbehaviour and misconduct during the Police training period of the Applicant. Hence respondent No.3 as a competent authority passed the said order dated 03-5-2014 by exercising power enable under Rule 78(1)(viii) of the Maharashtra Police Manual 1999 (Volume 1).
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> It is further submitted that during training period C.R.No.114/2013 was registered against him u/s 379 of IPC at Old City Police Station, Akola dated 18-7-2013. In this criminal offence Applicant was under Magistrate Custody from 13-8-2013 to 28-8-2013. The same criminal record transpired that Applicant has stolen ATM card of Axis

Bank of his roommate Shri Bhagwan Ramnath Magar and withdrew Rs.23,000/-. This conduct of the Applicant is very serious considering disciplinary Police Force.

It is further submitted that during training period C.R.No.114/2013 was registered against him u/s 379 of IPC at Old City Police Station, Akola dated 18-7-2013. In this criminal offence Applicant was under Magistrate Custody from 13-8-2013 to 28-8-2013. The same criminal record transpired that Applicant has stolen ATM card of Axis Bank of his roommate Shri Bhagwan Ramnath Magar and withdrew Rs.23,000/-. This conduct of the Applicant is very serious considering disciplinary Police Force. In view of this the contention raised in this para is denied.

The said letter dated 06-8-2014 reveals only the applicant left training school without permission of competent authority while in training. Therefore considering applicant left the training school without permission and his unauthorized absence Respondent No.3 intimated to allow applicant to resume on duty and then take action according to rules. It is further respectfully submitted that Deputy Commissioner of Police Armed Police Worli sent detailed report which was received on 16.04.2014. It is respectfully submitted that Respondent No.3 in the said report stated that he has made enquiry against applicant and it is come to notice that during training period there was cognizable offence registered vide CR No.155/2013 under Section 379 of IPC at Old City Police Station, Akola and in that crime applicant was arrested and case was pending before competent court."

13. It is thus obvious that Respondents have attributed misconduct to the Applicant to get rid of him but instead of holding enquiry, they terminated the services of the Applicant which is in violation of Article 311(2) of the Constitution of India, it being punitive. Thus, the Respondents have attributed misconduct to the Applicant and it was *ex-facie* the foundation for terminating the services of the Applicant. If the Applicant had indulged in any such serious misconduct, the termination though it is couched in innocuous form in reality it is punitive. Needless to mention one needs to see the substance of the matter and not the form alone. The Tribunal is required to lift the veil and to find out real cause or reason for terminating the services of the Applicant. Suffice to say, even if impugned order appears to be innocuous, in fact it is intended to punish the Applicant for misconduct.

14. Apart, here significant to note that the Government while rejecting the representation of the Applicant has specifically stated that criminal case was also registered against the Applicant and it was reason for terminating the services of the Applicant, as seen from order dated 24.08.2015 (Page No.26 of P.B.). As such, the reason or foundation for terminating the services of the Applicant has come out on record in the form of communication dated 24.08.2015 by none other than Respondent No.1 – Government of Maharashtra. This being the position, there is no escape from the conclusion that impugned order is not simplicitor order termination. It is punitive in reality and attracts protection available to the Applicant under Article 311(2) of Constitution of India.

15. Furthermore, as per Note appended to Rule 4 of Maharashtra Police (Punishment and Appeal) Rules, 1956, even the probationer is also required to give an opportunity to show cause in writing against his discharge after being apprised on the grounds on which it is proposed to discharge him. The Note is as follows :-

> "**Note**.- The full procedure prescribed for holding departmental enquiry before passing an order of removal need not be followed I the case of a probationer discharged in the circumstances described in paragraph (4) of the Explanation to rule 3. In such cases, it will be sufficient if the probationer is given an opportunity to show cause in writing against his discharge after being apprised of the grounds on which it is proposed to discharge him and his reply (if any) is duly considered before orders are passed.

16. In addition, as rightly pointed out by the learned Advocate for the Applicant, in view of settled legal scenario, the Home Department, Govt. of Maharashtra had issued Circular dated 07.02.2009 thereby instructing the Department cautioning that even if case of termination of probationer, there should be full pledged enquiry before terminating the services. Para No.2 of Circular dated 07.02.2009 is material, which is as under :-

"शासनाच्या असे निदर्शनास आले आहे की, पोलिस शिपायांच्या मूलभूत प्रशिक्षणादरम्यान एखादा उमेदवार वारंवार गैरहजर राहिल्यास अथवा एखाद्या उमेदवाराने गैरवर्तन केल्यास त्या तीन वर्षाच्या आतील सेवा असल्याच्या कारणास्तव विभागीय चौकशी न करता तडकाफडकी नोकरीतून कमी केले जाते. अशा उमेदवारांविरुद्ध नियमानुसार शिस्तभंगविषयक कार्यवाही न केल्याने उमेदवाराकडून न्यायालयाकडे दाद मागितल्यावर अशा दाव्यांचे निकाल शासनाच्या विरोधात जाण्याची शक्यता लक्षात घेता यापुढे पोलिस शिपायांच्या मुलांच्या प्रशिक्षणादरम्यान तसेच तीन वर्षाच्या आतील सेवेतील एखादा उमेदवार वारंवार गैरहजर राहिल्यास अथवा एखाद्या उमेदवाराने गैरवर्तन केल्याचे नियमानुसार शिस्तभंगविषयक कार्यवाही पूर्ण करून म्हणजेच विभागीय चौकशी करण्यात येऊन चौकशीअंती दोषी आढळल्यास व अशा उमेदवारास बचावाची पूर्ण संधी दिल्यानंतरच त्याच्याविरुद्ध योग्य शिक्षा बजावण्यात यावी.''

17. Unfortunately, despite aforesaid legal scenario as well as Circular issued by Government acknowledging the legal position of protection under Article 311(2) of Constitution of India, the Respondent No.3 terminated the services of the Applicant without holding DE though it is punitive in nature and consequently, liable to be quashed giving liberty to the Respondents to proceed against the Applicant in accordance to law after reinstating him in service.

18. In so far as ground of competency of Respondent No.3 is concerned, the perusal of appointment order dated 12.09.2012 reveals that appointing authority of the Applicant is Deputy Commissioner of Police and not Commissioner of Police. As such, where the appointment is made by Officer in the rank of Deputy Commissioner of Police, he can terminate the services of the Applicant. The termination order is also issued by the Officer in the rank of Deputy Commissioner of Police. It is nothing on record to establish that the appointment was made by the Commissioner of Police. It is for this reason in Office Order issued by Office of Police Commissioner dated 02.08.2010 (Page No.35 of P.B.), it is clarified that appointing authority of Police Constable after June, 1993 is Deputy Commissioner of Police and he can take decision about termination of service at his level. This being the position, it cannot be said that Deputy Commissioner of Police was not competent to terminate the services of the Applicant.

19. The totality of aforesaid discussion leads me to conclude that impugned order being punitive termination is liable to be quashed and

set aside in view of protection guaranteed under Article 311(2) of the Constitution of India. The Respondents are, therefore, required to reinstate the Applicant in service, and thereafter, may proceed against the Applicant in accordance to law, if so advised. In so far as period from the date of termination till reinstatement is concerned, the Applicant will not be entitled to back-wages on the principle of 'no work no pay'. Hence, the following order.

O R D E R

(A) The Original Application is allowed.

(B) The impugned order dated 03.05.2014 is quashed and set aside.

(C) The Respondents are directed to reinstate the Applicant in service within a month from today, and thereafter, they can proceed against him in accordance to law, if so advised.

(D) The Applicant will not be entitled for back-wages for the period from termination of service till reinstatement on the principle of 'no work no pay'.

(E) No order as to costs.

Sd/-
(MEDHA GADGIL)
Member-A

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai
Date : 09.07.2021
Dictation taken by :
S.K. Wamanse.
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