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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 600 OF 2015

DISTRICT : NAVI MUMBAI

Shri Nitendrasingh Kumarsing Patil)
Working as Assistant Police)
Inspector, [Protection of Civil Rights],)
Maharashtra Police Head Quarter,)
Old Council Hall, S.B Marg,)
Mumbai 400 039.) **...Applicant**

Versus

1. The State of Maharashtra)
Through Addl. Chief Secretary,))
Home Department, having)
Office at Mantralaya,)
Mumbai 400 032.)
2. The Director General &)
Inspector General of Police,)
M.S, Mumbai)
Having office at Old Council)
Hall, S.B Marg,)
Mumbai 400 039)



3. The Director General,)
A.C.B, M.S, Mumbai,)
Having office at Worli, Mumbai)
4. The Superintendent of Police,)
Thane Rural, having office at)
Near Kalwa Bridge, Thane[W].)...**Respondents**

Shri C.K Pendse, learned advocate for the Applicant.

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

Shri R.B. Malik (Member) (J)

DATE : 04.03.2016

PER : Shri R.B. Malik (Member) (J)

ORDER

1. Heard Shri C.K Pendse, learned advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents

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.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 04.03.2016
Dictation taken by : A.K. Nair.