

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**NAGPUR BENCH, NAGPUR.**

**ORIGINAL APPLICATION NO.768/2015.**

Vishnu Bisan Kamble,  
Occ-Ex. Police Constable-747/SRPF, Nagpur.  
R/o Post- Pahela,  
Tehsil and Distt. Bhandara.

**Applicant.**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**NAGPUR BENCH, NAGPUR.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai-32.  
R/o Post- Pahela,
2. The Director General of Police (M.S.),  
Shahid Bhagat Singh Marg,  
Kulaba, Mumbai.
3. The Commandant,  
State Reserve Police Force No.4,  
Hingna, Nagpur-10.
4. The Spl. Inspector General of Police,  
State Reserve Police Force No.4,  
Hingna, Nagpur-10.

**Respondents.**

Shri S.K. Verma, Ld. Advocate for the applicant.  
Shri M.I. Khan, Ld. P.O. for the respondents.

**Coram:- B. Majumdar, Vice-Chairman and**  
**S.S. Hingne, Member (J)**

**Dated:- 10<sup>th</sup> June, 2016.**

**Order**

**Per:Vice-Chairman**

The applicant is a Police Constable in the State  
Reserve Police Force. He has filed the present O.A. as he is aggrieved

that his services have been terminated after a departmental enquiry was conducted against him.

2. The applicant was served with the chargesheet containing three charges vide order of the Commandant, State Reserve Police Force No.4, Hingna, Nagpur (R.3) dated 27.9.2013. On 26.11.2013, a criminal case U/s 307, 498-A, 506 and 230 r/w section 34 of I.P.C. was registered against him. The Enquiry Officer submitted his report on 5.3.2014 holding that all the charges against the applicant have been proved. On 29.5.2014, respondent No.3 issued an order removing the applicant from service. The applicant filed an appeal against this order which was rejected by respondent No.4, Special Inspector General of Police, SRPF No.4, Nagpur on 5.11.2014. The applicant has challenged both these orders in this O.A. The applicant thereafter on 10.12.2014 submitted an appeal before the Director General of Police (M.S.), Mumbai (R.2). On 20.9.2015, the applicant was acquitted in the criminal case by the Additional Sessions Judge, Baramati, Pune. The Additional Director General of Police (Administration), Mumbai in his order dated 8.2.2016, disposed of the appeal by reinstating him and modifying the punishment as bringing the applicant to the basic pay of Police Constable for three years. According to the applicant, on 21.2.2016,

he had reported for joining on duty, but was not allowed to join by respondent No.4. On 17.3.2016, respondent No.4 sought instructions from respondent No.2 about implementing the order of reinstatement, as the applicant's present O.A. challenging the order of punishment is pending before the Tribunal.

3. The applicant submits that the charges framed against him in the criminal case as well as in the departmental enquiry are one and the same and witnesses in both the enquiries / trial are also the same. The disciplinary authority, while issuing the chargesheet for departmental enquiry, had relied on the same documents which have been filed by the P.S.O. in the criminal case. He has already been acquitted in the criminal case and therefore the departmental enquiry has become infructuous and unsustainable. He further submits that there was no complaint against the applicant from the Principal of Police Training School that he had missed any training course any day except the day when the untoward incident of burn injuries of his wife took place. He also submits that the evidence given by his wife in the departmental proceedings that he was not at all involved in her burn injury, he had saved her and admitted her in the hospital and also that he had no illicit relations with any woman, have been ignored in the departmental enquiry. In the departmental enquiry, outside witnesses who had not connected with the incident of burn

injury of applicant's wife, were taken into consideration by the Investigating Officer. The Investigating Officer therefore had proceeded with bias against him.

4. Respondent No.3, Commandant, S.R.P.F., Nagpur in his reply in affidavit submits that he had received the order dated 8.2.2016 for reinstating the applicant on 6.4.2016. As the Appellate Authority had passed the order posting during the pendency of the present O.A., respondent No.3 had sought guidance from respondent No.2 for reinstating the applicant. Appropriate order in this regard is still awaited.

5. No reply has been filed by respondent Nos. 1 and 2 nor have they adopted the reply of respondent No.3.

6. Shri S.K. Verma, learned counsel for the applicant, submitted that the applicant's appeal against the order of removal from service was decided by the Director General of Police vide his order dated 8.2.2016 by directing his reinstatement. There is no reason or justification as to why respondent No.3 has not complied with the above order and not allowed the applicant to join duty. He therefore prayed that the present O.A. can be disposed of by directing respondent No.3 to implement the above order by allowing the applicant to join so that he can be sent for training during the ensuing

session and also that the applicant should be granted continuity in service with back wages on reinstatement.

7. We find that the order dated 8.2.2016 modifying the original punishment of removal from service to that of reinstatement by bringing the applicant to the basic pay of a newly recruited Armed Police Constable for three years and directing that he should be sent again for training as a Member of S.R.P.F., adequately redresses the applicant's grievance. We therefore dispose of the present O.A. in terms of following directions:

(i) Respondent No.3 is directed to permit the applicant to join service in terms of the order dated 8.2.2016 of Director General of Police (M.S.), Mumbai and also to depute him for training as per the administrative convenience of the department.

(ii) The applicant is at liberty to apply for regularization of the period when he was not in service. If he so represents, the respondents will decide the same **within eight weeks** of its receipt.

(iii) No order as to costs.

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(S.S.Hingne)  
Member (J)

sd/-

(B.Majumdar)  
Vice-Chairman