

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.162/2019, 163/2019,
164/2019, 173/2019, 174/2019, 175/2019, 176/2019
AND 221/2019**

DISTRICT:- HINGOLI

ORIGINAL APPLICATION NO.162/2019

Shri Mahadev Ramchandra Powar,
Age : 29 years, Occ. Nil,
R/o. At post Ghunki, Tq. Hatkangale,
Dist. Kolhapur.

ORIGINAL APPLICATION NO.163/2019

Shri Vitthal Santosh Kharat,
Age : 33 years, Occ. Nil,
R/o. At Giroli, Post Tuljapur,
Tq. Deulgaon Raja, Dist. Buldhana.

ORIGINAL APPLICATION NO.164/2019

Shri Vaibhav Shrirang Andhale,
Age : 24 years, Occ. Nil,
R/o. At Pimpri Andhale, Post Ancharwadi,
Tq. Deulgaon Raja, Dist. Buldhana.

ORIGINAL APPLICATION NO.173/2019

Shri Balkrishna Namdev Waghmare,
Age : 29 years, Occ. Nil,
R/o. At Kumbhefal (Sindkhed),
Post Waghmul, Tq. & Dist. Jalna.

ORIGINAL APPLICATION NO.174/2019

Shri Amol Vitthal Mandale,
Age : 27 years, Occ. Nil,
R/o. At Khaparkheda, Post Shirali,
Tq. Vasmat, Dist. Hingoli.

ORIGINAL APPLICATION NO.175/2019

Shri Sudarshan Sarangdhar Jadhav,
Age : 29 years, Occ. Nil,
R/o. At post Malhivra,
Tq. & Dist. Hingoli.

ORIGINAL APPLICATION NO.176/2019

Shri Vikas Fulchand Dole,
Age : 28 years, Occ. Nil,
R/o. At Waghachi Wadi, Post Ukalgao,
Tq. Barshi, Dist. Solapur.

ORIGINAL APPLICATION NO.221/2019

Shri Bhagwan Sukhdev Borude,
Age : 32 years, Occ. Nil,
R/o. At-post Mehunaraja,
Tq. Deulgaon Raja, Dist. Buldhana.

...APPLICANTS

V E R S U S

1. The State of Maharashtra,
Through its Principal Secretary,
Home Department, Mantralaya, Mumbai.
2. The Additional Director General of Police,
Special Reserve Police Force, M.S. Mumbai,
SRPF Gr.8 Campus, Near Jaicoach,
Western Express Highway,
Goregaon (East), Mumbai-65.
3. The Special Inspector General of Police,
State Reserve Police Force, Nagpur,
Near Octroi Naka No.9, Hingna Road,
MIDC, Nagpur 440016, Nagpur.
4. The Commander,
Special Reserve Police Force,
Group No.12, Hingoli,
The Commandant, Nanded Bypass Road,
Hingoli 431513.

...COMMON RESPONDENTS

APPEARANCE : Ku. Anagha Pandit, Counsel holding
for Shri S.B.Talekar, Counsel for
Applicants.

: Shri M.S.Mahajan, Chief Presenting
Officer for respondents.

**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN
AND
SHRI VINAY KARGAONKAR, MEMBER (A)**

**Reserved on : 04-01-2024
Pronounced on : 25-01-2024**

**O R D E R
(PER: JUSTICE SHRI P. R. BORA, V.C.)**

1. Heard Ku. Anagha Pandit, learned Counsel holding for Shri S.B.Talekar, learned Counsel for the Applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents in respective matters.

2. The grievance raised and the prayers made in all these applications since are identical, we have heard all these matters together and deem it appropriate to decide the same by common order. The applicants were working as Armed Police Constable in the State Reserve Police Force (SRPF), Group No.12 at Hingoli in view of the selection process conducted for recruiting the Armed Police Constables in the period between 22-03-2017 to 01-04-2017 by Commander, State Reserve Police Force, Group No.12, Hingoli.

3. The applicants got selected for the said post and were appointed as Armed Police Constables in SRPF, Group-12, Hingoli. While all these applicants were undergoing training an information was received to the respondents that in the recruitment of 2017, the applicants adopted malpractices for entering into the Police Service by establishing contacts with organized criminal gangs and have fraudulently obtained job in the police service and further that the conduct of the applicants as revealed was unbecoming of a police person and against the discipline of the Police Department and because of such acts of the applicants the image of the Police Force has been maligned. In the circumstances, for the aforesaid reasons the applicants were served with a show cause notice requiring them to show cause as to why the punishment of discharge from service shall not be inflicted upon them. The applicants were in Police custody when the show cause notice was issued by respondent no.4. In the circumstances, time which was provided in the show cause notice for giving reply to the said notice was extended by respondents.

4. The applicants gave their respective replies to the said notice. In the reply to the notice, the applicants denied the

charges levelled against them and further took a plea that without conducting regular departmental enquiry and without giving them an opportunity to defend the charges levelled against them, their services cannot be discharged. Respondent no.4, however, did not find reply submitted by the applicants satisfactory or possessing any substance therein, ultimately, passed the order on 08-08-2018 and thereby inflicted punishment of discharge from service. Respondent no.4 in the final order passed by him appraised the applicants that if they feel aggrieved by the punishment so inflicted, they were having right to prefer an appeal before the Special Inspector General of Police, SRPF, Nagpur within 60 days from receipt of the order.

5. Accordingly, the applicants preferred an appeal against the order passed by respondent no.4 to the Special Inspector General of Police, SRPF, Nagpur. The Special Inspector General of Police, SRPF, Nagpur after hearing the applicants and after considering the parawise reply submitted by them, passed final order on 01-01-2019 thereby dismissing the appeals filed by the applicants. Aggrieved by the order passed in the appeal thereby the appellate authority confirmed the order passed by the disciplinary authority imposing the punishment of

discharge from service on the applicants. Aggrieved by both the aforesaid orders the applicants have preferred the present O.A.

6. Brief facts which are relevant for disposal of this O.A. are thus:

“[a] That, in the year 2017 recruitment process was undertaken by the Commander, SRPF, Group-12, Hingoli during the period between 22-03-2017 to 01-04-2017. In the month of June, 2017 the list of selected candidates was published and names of these applicants existed in the said list. Accordingly, the appointment orders were issued in favour of each of the applicants after having completed formalities of documents verification, verification of character certificate as well as caste certificate etc. After verification of the documents, applicants were appointed in the SRPF, Group-12 at Hingoli.

[b] While the applicants were undergoing training and were probationers, it was complained that the applicants were involved in the malpractices occurred in the selection process of the Armed Police Force.

[c] It was alleged that by entering into conspiracy with OMR Operators, namely, Shirish Awdhoot and Swapnil Solunkhe as well as the then Assistant Commandant Shri Fupate, the applicants got answered the questions which they had not answered and kept the relevant circles blank. According to the respondents the applicants in their respective answer sheets kept the circles blank against some of the questions and at the time of assessment of the said answer sheets, the OMR Operators according to the answers in the answer key filled in the circles which were kept blank. It was alleged that the said OMR Operators disclosed the names of the present applicants being involved in the aforesaid malpractices.

[d] The FIR was, therefore, registered against the applicants being C.R.No.191/2018 for the offences punishable under section 420, 465, 468, 471, 120(b), 34 of the IPC. Subsequently, the applicants were suspended for having remained in police custody for more than 48 hours.

[e] The show cause notices were issued by respondent no.4 to the applicants seeking explanation from them why they shall not be discharged from services. The applicants answered the said show cause notice. Respondent no.4, however, was not satisfied with the said reply. He, therefore, passed the impugned order on 08-08-2018 and thereby imposed the punishment of discharge from service.

[f] Against the order so passed by respondent no.4, the applicants preferred the appeals before the Special Inspector General of Police, SRPF, Nagpur i.e. respondent no.3. Respondent no.3 after hearing all the applicants and after having considered the submissions made by the applicants and after having perused the material placed before him dismissed the appeals filed by the applicants vide order dated 01-01-2019.

[g] Aggrieved by both the aforesaid orders the applicants have approached this Tribunal. It is the contention of the applicants that even though they were on probation at the relevant time, the respondents could not have imposed any punishment

thereby discharging the applicants from service without conducting regular departmental enquiry against them and without giving them due opportunity of hearing.

[h] Applicants have contended that the allegations made against them are false. It is further contended that the respondent no.4 at the first instance and thereafter respondent no.2 both merely relying on the police papers have held the applicants guilty and have, therefore, passed the impugned order. It has also been argued that the respondents while passing the impugned order have grossly violated the principles of natural justice.

7. Respondent nos.1 to 4 have filed their joint affidavit in reply thereby resisting the contentions raised in the O.A. as well as prayers made therein. It is the contention of the respondents that in Nanded District Police Recruitment, 2018 held in the month of March, 2018 it was noticed that cheating was done by OMR Operator and hence offence was registered against OMR Operator, namely, Shri Shirish Awdhoot and Swapnil Solunkhe at Police Station, Vazirabad, Nanded. It is further contended

that during the investigation in the aforesaid crime, the said two OMR Operators confessed that they increased marks of 13 candidates in the Nanded District Police Recruitment, 2018 by accepting money from them. It is further contended that the said OMR Operators also confessed that they had indulged in such illegal acts in the recruitment by SRPF, Group-12, Hingoli Police Recruitment, 2013, 2014 and 2017. It is further contended that after confession of the said OMR Operators, at SRPF, Group-12, Hingoli Enquiry Committee was constituted by respondent no.4 and the said Committee verified all the record of Police Recruitment, 2013, 2014 and 2017.

8. It is further contended that 4 candidates in Police Recruitment 2013, 10 candidates in Police Recruitment 2014, whereas 6 candidates in Police Recruitment, 2017 were noticed to have cheated the Government with the help of the OMR Operators and have secured job of Police Constables. Based on the enquiry report submitted by the Committee, offence was registered against the owner of SSG Software and Solutions Company Pvt. Ltd. Sangli and 22 Police Officers at Police Station, Hingoli vide C.R.No.191/2018 under section 420, 465, 468, 471 and 120(b) of the IPC. It is further contended that

during the course of investigation some more persons were noticed to have indulged in similar activities. It is further contended that the Police persons who were found to be *prima facie* guilty of cheating and whose services were less than 3 years and who were under training (Probationary) were discharged from service. It is further contended that, the full procedure for holding departmental enquiry before passing an order of removal was not required to be followed since the applicants were probationers and were discharged in the circumstances described hereinabove.

9. It is further contended that though the order passed by respondent no.4 was challenged before the appellate authority i.e. the Commandant, SRPF, Hingoli, the appeals also came to be rejected. According to the respondents, there was ample *prima facie* evidence against the applicants of having adopted wrong and fraudulent practices in connivance with the OMR Operators. It is further contended that, in view of the *prima facie* evidence available on record, respondents did not conduct any enquiry against the delinquent employees and discharged them from services before they completed the period of probation. It is further contended that since the applicants were noticed to have secured job fraudulently with the help

of OMR Operators and since the applicants were at the relevant time under probation, without conducting any formal enquiry applicants have been discharged from services. According to the respondents they have not committed any error in passing such orders. Respondents have, therefore, prayed for dismissal of the O.A.

10. We have duly considered the submissions made on behalf of the applicants as well as the respondents. We have also perused the documents placed on record. We deem it appropriate to reproduce here the order of discharge passed in O.A.No.162/2019, paper book page 40, which reads thus:

“जा.क्र.विचो/ भ-१७ कसुरी/ प्रपोर् - पो /अंतिम आ.
/२०१८/५८९६ ि ि, ि .१४.०८.२०१८
08 AUG 2018

:-) ि क्ष , त्रक्र. /र /
/ , ि . . 0
) ि - , चे ण ल
ि ि . . .
) ि .क्र.विचो/ ि/ -
/ प्र ि - / / ि .

---000---

ि र , कतव्यात त निष्काळीपणाचे
ज म्ही नवप्रविष्ठ ि ि . , , देव द्र
(ध ि ि) र ि , ज ि
क्र. ि ि ि व ि प्र ि :

प्रपक्षे तथील दिक्षे
महानिरोक्षक, ज () दिवसांच्या . दि
रु बल, ि

स्वाक्षरी/—
()

ज ि , दि ली

प्री ,

प्री ष ि दि ब. . , (ष
दि दि) स्थानिक , ज्य ि क्र. ,
हिंगोला.

ि - र्दि , .पो. , हिंगोला,

२/— प्र दि रु र
प्रतिवर्त दि स्वाक्षरी ती प्र त्वरोत

प्र ग त सा ि- ि , र्प्री , र -
, , त्र , . . . क्र. , दि ि,

प्र हीतीस् दि :- . दि ि महानिरोक्षक, ज
ि ,”

Almost same orders are passed in the accompanying matters also changing the dates on which the notice was issued and reply to it was received from respective delinquents.

11. Perusal of the aforesaid orders reveals that in the beginning the charges against the applicants are described. Below the said orders, it is mentioned under

which provision the applicants are liable to be punished and thereafter mentioning the facts in brief the final orders have been passed. The applicants are held liable for punishment under Rule 3(2), (3), (4) and proviso to Rule 4(2) of the Bombay Police (Punishment & Appeal) Rules, 1956. We deem it appropriate to reproduce the aforesaid rules, which read thus:

"[(3) the discharge of a probationer, whether during or at the end of the period of probation, on grounds arising out of the specific conditions laid down by the appointing authority, e.g. want of vacancy, failure to acquire prescribed special qualifications or to pass prescribed tests, does not amount to removal or dismissal;

(4) the discharge of a probationer, whether during at the end of the period of probation, for some specific fault or on account of his unsuitability for the service amount to removal.)

3-A. Notwithstanding anything contained in clauses (ii) and (iii) of sub-rule (1) of rule 3, the State Government may, for reasons to be recorded in writing remove the disqualification incurred under the said clauses by any Police Officer removed or dismissed from service.]

*4. (1) No punishment specified in clauses ^{**}(a-2), (i), (i-a), (ii) and (iii) of sub-rule (1) of rule 3 shall be imposed on any Police Officer unless a departmental inquiry into his conduct is held and a note of the inquiry with the reasons for passing an order imposing the said punishment is made in writing under his signature.*

(2) Without prejudice to the foregoing provisions, no order imposing the penalty specified in clauses (i), (ii), (iv), (v) and (vi) of sub-rule (2) of rule 3 on any

Police Officer shall be passed unless he has been given an adequate opportunity of making any representation that he may desire to make, and such representation, if any, has been taken into consideration before the order is passed:

Provided that, the requirements of this sub-rule may, for sufficient reasons to be recorded in writing, be waived where there is difficulty in observing them and where they can be waived without injustice to the officer concerned.

Note- The full procedure prescribed for holding departmental enquiry before passing an order of removal need not be followed in 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.]”

12. It is not in dispute that at the relevant time, the applicants were undergoing training and their probation was not terminated till then. In other words, the applicants were probationers at the relevant time. As has been noted above, according to the respondents applicants being probationers were liable to be discharged on the basis of information received against them showing their involvement in the crime without conducting any departmental enquiry against them.

13. The question which falls for our consideration is in the premise of facts as are stated hereinabove whether

the order passed by respondent no.4, impugned in the present O.As., can be sustained ?

14. Prior to issuance of order of discharge from services applicants were served with a show cause notice. In the show cause notice also the misconduct alleged against the applicants is briefly mentioned (p.b.page 35). It is thus:

“ _____ :-
 प्रस्थापीत रु - च प्रक्रीये ध । गुन्हेगारी
 स्त्र । फि प्र फि ल
 त फि रु . त
 शिस्तप्रिय त फि . त ।
 प्रतिमा ।
 त । (शिस्त) फि फि क्र.
 () () () फि क्र. () फि ल फि
 । शिक्षेस त्र .”

15. It is significant to note that in the show cause notice as well as in the final order passed there is a reference of the letter from the police superintendent, Nanded bearing outward no.850/स्थागुशा/अहवाल/२०१८/१७१०, dated 07-05-2018. The second reference is given of the report dated 10-05-2018 submitted by the Committee appointed for the Police Recruitment, 2013, 2014 and 2017. In the replies given by the applicants to the show

cause notices, the applicants have denied the allegations of having committed any offence as alleged. It is further contended that the said offence/crime has not yet been adjudicated by the Court. It is further contended that investigation was still in progress at the relevant time. It is specific contention of the applicants in their respective O.As. that the copy of the report dated 07-05-2018 as well 10-05-2018 submitted respectively by Superintendent of Police Nanded and the Enquiry Committee. Perusal of the show cause notices as well as the final orders passed does not reveal that along with show cause notices or along with final orders passed, copies of the reports dated 07-05-2018 and 10-05-2018 were supplied to the applicants.

16. It is well settled that the services of the probationers can be lawfully brought to an end before expiry of the period of probation by way of simplicitor termination. Further, it is undisputed that the probationary appointment carries with it necessary implication and consequence that it is terminable at any time. The probationer whose services have been terminated for unsuitability of job, therefore, cannot complain about such termination and such termination has been judicially labeled as simplicitor termination. During the period of

probation the authorities are entitled to assess the suitability of the candidates and if it is found that a candidate is not suitable to remain in service, the employer is entitled to record the finding of unsatisfactory performance of the work and duties during the period of probation and for this purpose the performance of the probationer has to be looked into and if the finding is that the performance has been unsatisfactory, employer would be entitled to terminate the services of the probationer without conducting an enquiry. No opportunity of hearing is required to be given to the probationer for removal from service during the probationary period, and therefore, question of violation of the principles of natural justice does not arise.

17. The law is equally settled on the issue that in cases of punitive termination and if the order is stigmatic, it is necessary to conduct departmental enquiry even if the employee is on probation. In the case of **Samsheer Singh V/s. State of Punjab & Anr. etc. [(1974) 2 SCC 831]**, Hon'ble Supreme Court in paragraph 64 of the said judgment has held thus:

“64. 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 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.”

18. In premise of the settled legal position as above, we have to scrutinize the facts involved in the present matter and the reason which has been assigned for putting an end to the services of the applicants.

19. In the instant matters, from the tenor of the show cause notices issued to the applicants and the final orders passed against them it is explicitly revealed that the applicants (probationers) faced an enquiry on charge of

adopting malpractices in the examination on the basis of which they came to be selected and the criminal prosecution is filed against them in that regard. In the orders of termination, as we have noted hereinabove, firstly the charge against them is set out; thereafter history is narrated and then, the final order is passed. The charge set out against the applicants is serious in nature. The charge begins with an allegation that the applicants in the police recruitment 2017 established contacts with the organized criminal gang and by adopting the illegal ways got selected on the post of Armed Police Constable, and thus, played fraud on the Government. As further mentioned in the impugned orders, the applicants replied the show cause notices. In that context it is stated that the respondents have duly considered the said reply but since did not find any substance therein have passed the final order and then there is operative part of the order passed by respondent no.4. In fact, the words which are used while passing the said order are enough to hold that it is not a termination of the services of the probationers by way of termination simplicitor but discharge of service has been ordered by way of punishment.

20. It need not be stated that no punishment can be ordered without conducting a due enquiry and without giving an opportunity of hearing to the person concerned against whom such charges are levelled. As has been observed by the Hon'ble Apex Court in the case of **Samsher Singh**, cited supra, had the Government proceeded against the applicants without casting any aspersion on their honesty or competence, their discharge would not have the effect of removal by way of punishment. Respondents, however, chose to brand the applicants as dishonest employees.

21. From the averments taken by the respondents in their affidavit in reply and the documents filed on record by them, it is discernible that enquiry was conducted by a committee constituted in that regard and it submitted its report on 10-05-2018. Said committee was constituted after the communication dated 07-05-2018 was received from the Superintendent of Police, Nanded. Thus, from the documents on the basis of which the respondents formed an opinion against the applicants that they have adopted malpractices for entering into police services by establishing contact with organized criminal gangs, must have been supplied to the applicants. It was further

incumbent on the part of the respondents to give an opportunity of hearing to the applicants and to conduct a regular enquiry into the said charges.

22. In the instant matter, it is undisputed that the respondents did not supply the copies of both the aforesaid reports to the applicants and did not conduct any enquiry. Only a show cause notice was issued and even though in the reply to the said show cause notice the applicants have denied all charges levelled against them, without conducting an enquiry into the said charges, respondents brought the services of the applicants to an end. Such an order cannot be sustained.

23. Way back in the year 1958 in the case of **Parshotam Lal Dhingra Vs. Union of India, AIR 1958 SC 36** the Hon'ble Supreme Court pointed out that protection of article 311 also covers a probationer and although a probationer cannot complain in the cases of termination simplicitor, he can do so if termination is by way of punishment. The Court further pointed out that the termination founded on inefficiency is a punishment because it puts stigma on the employee affecting his future career. The aforesaid position was reiterated by the Hon'ble

Supreme Court in the case of **State of Bihar vs. Gopi Kishore Prasad, AIR 1960 SC 689**, wherein the probationer was discharged from service on enquiry as being unsuitable for post on the grounds of notoriety for corruption and unsatisfactory work in discharge of his public duties. After referring to the judgment in the case of **Dhingra** (cited supra) the Constitution Bench held that though the appointment to a post on probation gives to the person so appointed no right to the post and his service may be terminated without taking recourse to the proceedings laid down in the relevant rules for dismissing a public servant, or removing him from service, if instead of terminating such a person without any enquiry, the employer chooses to hold enquiry into his alleged misconduct or for some similar reason, the termination of services is by way of punishment, because it puts a stigma on his competence and thus affects his future career and in such case he is entitled to the protection of article 311 (2) of the Constitution.

24. In the instant matter we reiterate that the order of terminating the services of the probationer applicants not only on the face of it, but in substance also is punitive. According to us, the reasons as have been canvassed by the

learned C.P.O. are neither objective nor reasonable in the case of the present cases. It appears to us that the respondents have adopted a wrong method in ordering dismissal of the applicants from the services. The orders so passed by the respondents are in utter disregard of the principles of natural justice. As has been held by the Hon'ble Supreme Court in the case of **Jaswant Singh vs. the State of Punjab, AIR 1991 SC 385**, decision to not hold the DE cannot be rested solely on the *ipse dixit* of the concerned authority. When satisfaction of the concerned authority is questioned in a Court of Law, it is incumbent on those who support the order to show that satisfaction is based on certain objective facts and is not the outcome of whim or caprice of the concerned officer.

25. Applicants have also sought to quash the note appended to Rule 4 of the Bombay Police (Discipline & Appeal) Rules, 1956 incorporated by notification bearing no.PAR 0175/1-POL-6 dated 18-11-1981. Though we have reproduced the same hereinabove, for ready reference we reiterate the same hereinbelow also, which reads thus:

“Note- The full procedure prescribed for holding departmental enquiry before passing an order of removal need not be followed in 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.]”

26. In so far as the present issue is concerned, the applicants have failed in bringing on record any such material to accept the prayer made by them. We are, therefore, in these applications are not inclined to consider this request and keep it open for adjudication in an appropriate case.

27. For the reasons elaborated above we are inclined to allow the present O.As. The impugned orders dated 18-08-2018 and 01-01-2019 in all the cases are set aside. The respondents are directed to reinstate the applicants in service within one month from the date of this order. However, it would be open for the respondents to initiate the DE against the applicants, if they so desire. Payment of back wages shall abide by the result of said enquiry. Such enquiry, if any, must be initiated as expeditiously as possible, but not later than 02 months from the date of this order and shall be completed within 06 months from its commencement. The applicants shall

ensure that the enquiry proceedings are not delayed or protracted at their instance.

28. The Original applications are allowed in the aforesaid terms without any order as to costs.

(VINAY KARGAONKAR)
MEMBER (A)

(P.R.BORA)
VICE CHAIRMAN

Place : Aurangabad
Date : 25-01-2024.