

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.201/2021**

**DISTRICT:- DHULE**

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Vasant s/o.Gokul Patil,  
Age : 48 years, Occu. : Service  
(Police Head Constable,  
Police Head Quarter, Dhule, District Dhule),  
R/o. 7-A, SRP Colony No.1,  
Nakane Road, Deopur, Dhule,  
Dist. Dhule.

**...APPLICANT**

**V E R S U S**

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

2) The Superintendent of Police,  
Dhule, District Dhule.

**...RESPONDENTS**

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APPEARANCE :Shri S.S.Jadhavar, Counsel for  
Applicant.

:Shri I.S.Thorat, Presenting Officer for  
respondent authorities.

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**CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN**

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**Decided on : 13-04-2023.**

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**O R A L O R D E R :**

1. Heard Shri S.S.Jadhavar, learned Counsel for the  
applicant and Shri I.S.Thorat, learned Presenting Officer  
for the respondent authorities.

2. The applicant has filed the present O.A. seeking quashment of the order dated 24-03-2021 issued by respondent no.2 whereby the applicant has been suspended by respondent no.2 by invoking the provisions under section 25 of the Maharashtra Police Act, 1951 read with Rule 3(1)(1-a)(i)(b) of the Maharashtra Police (Punishment and Appeals) Rules, 1956. It is the contention of the applicant that the impugned order is absolutely illegal and contrary to the provisions of the Maharashtra Police Act as well as the Maharashtra Police (Punishment and Appeals) Rules. It is also contention of the applicant that it is against the principles of natural justice.

3. Respondents have resisted the contentions raised in O.A. and the prayer made therein. The matter was exhaustively heard and the Tribunal was about to dictate the order in the matter. At this juncture, Shri Thorat, learned P.O. has pointed out that an appeal is provided under section 27 of the Maharashtra Police Act against any order passed under section 25 or the Rules or orders thereunder. Learned Counsel for the applicant sought to contend that the applicant has preferred a representation on 15-04-2021, however, the same was not decided.

Learned Counsel in the circumstances prayed for deciding the matter on merits.

4. After having considered the submissions advanced by the learned Counsel appearing for the parties and after having perused the relevant provision, it appears to me that in view of the specific remedy provided in the Maharashtra Police Act of filing an appeal, it may be improper to hear the present O.A. Though it is true that the applicant has preferred representation, however, after preferring the representation within 3 weeks thereafter the applicant has filed the present O.A. In the circumstances, it appears to me that the present O.A. can be disposed of with the following directions.

[i] As provided under section 27 of the Maharashtra Police Act the applicant shall prefer an appeal against the impugned order within 15 days from the date of this order with the State Government i.e. Additional Chief Secretary, Home Department, State of Maharashtra, and if the State has delegated such powers to any other officer, the appeal so preferred by the applicant shall be *suo motu*

forwarded to the said authority with intimation to the applicant.

[ii] If such an appeal is preferred by the applicant, the authority concerned shall decide it within next 4 weeks thereafter by giving due opportunity of hearing to the applicant.

[iii] No costs.

**VICE CHAIRMAN**

**Place : Aurangabad**

**Date : 13.04.2023.**