

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 201/2023 (S.B.)**

Baban S/o Rustamrao Sangale Jadhav,  
Aged about: 56 years, Occu: Service,  
R/o. Plot no.20, Tulsi Nagar, Rajguru Layout,  
Buldana, District Buldana.

**Applicant.**

**Versus**

- 1) State of Maharashtra  
through its Secretary,  
Home Department,  
Mantralaya, Mumbai 32.
  
- 2) Special Inspector,  
General of Police, Amravati Region,  
Camp Area, Amravati, District Amravati.
  
- 3) Superintendent of Police,  
Buldana, opposite Collector Office,  
Buldana District Buldana.

**Respondents**

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Shri S.D.Chande, Ld. Counsel for the applicant.

Shri V.A.Kulkarni, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri M.A.Lovekar, Member (J).**

**Dated: - 09<sup>th</sup> August 2023.**

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**JUDGMENT**

**Judgment is reserved on 03<sup>rd</sup> August, 2023.**

**Judgment is pronounced on 09<sup>th</sup> August, 2023.**

Heard Shri S.D.Chande, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the respondents.

2. Facts leading to this O.A. are as follows. On the basis of report lodged by one Savita Gaikwad Crime No.295/2022 was registered against the applicant inter alia under Section 376, I.P.C. at Buldhana Police Station on 25.04.2022. On 26.04.2022 respondent no.2 passed the order (Annexure A-8) under Rule 3(1)(a-2) of the Bombay Police (Punishment and Appeal) Rules, 1956, placing the applicant under suspension. The applicant challenged order dated 26.04.2022 before this Bench in O.A.No.902/2022. By order dated 13.01.2023 (Annexure A-9) said O.A. was allowed, suspension of the applicant was revoked and the respondents were directed to reinstate the applicant within three weeks from the date of receipt of the order. Order dated 13.01.2023 was not complied with. Therefore, on 14.02.2023 the applicant issued a notice (Annexure A-10) through his Advocate that in the event of continued non-compliance of order dated 13.01.2023 contempt proceeding shall be initiated. Thereafter, respondent no.2 passed the impugned order revoking suspension of the applicant and posting him at

Sonala Police Station. In this factual background the applicant prays that the impugned order to the extent of posting be quashed and set aside and he be posted at B.D.D.S. Squad at Buldana where he was working when the impugned order was passed, for the remaining tenure of the posting.

3. In support of aforesaid prayers the applicant has relied on order dated 07.07.2023 passed in Criminal Application No.766/2022 by the Hon'ble Bombay High Court. By this order F.I.R. in Crime No.295/2022 registered at Buldana Police Station against the applicant and one another was quashed and set aside. It was submitted by Shri S.D.Chande learned Advocate for the applicant that since the F.I.R. which led to passing of order of suspension has been quashed, the impugned order to the extent of posting the applicant at Sonala Police Station cannot be sustained and the applicant be directed to be posted at B.D.D.S. Squad at Buldana.

4. In their reply respondents 2 and 3, in addition to adverting to the chronology which is already set out as above, have placed on record at Annexure R-3-1 order dated ---.05.2023 operative part of which reads as under-

### अंतिम आदेश

तुम्ही पोलीस अमंलदार सफी / १४३३ बबनराव रुस्तमराव सनगाळे नेमणुक पोस्टे सोनाळा वरील नमुद कसुरी बाबत कसुरी बाबत मु.पो. शिक्षा व अपीले नियम १९५६ मधील नियम (३) (२) (५) अन्वये पुढीय देय वार्षिक वेतनवाढ दोन वर्ष (०२) रोखणे या शिक्षेचा अंतिम आदेश देण्यात येत आहे.

सदर अंतीम आदेशा नुसार देण्यात आलेली शिक्षा तुम्हास मान्य नसल्यास सदर शिक्षेबाबत तुम्ही विहित मार्गाने मा. विशेष पोलीस महानिरीक्षक अमरावती परिक्षेत्र अमरावती यांचेकडे ६० दिवसाचे आंत अपील करू शकतात.

This punishment was imposed on allegations which had led to registration of Crime No.295/2022.

5. As mentioned earlier, the applicant is aggrieved by the impugned order to the extent of his posting at Sonala Police Station. By this very order suspension of the applicant was revoked in compliance of order dated 13.01.2023 (Annexure A-9) passed by this Bench in O.A.No.902/2022. By this order, order of suspension of the applicant dated 26.04.2022 was revoked and reinstatement was directed by relying on **Ajay Kumar Choudhary Vs. Union of India through its Secretary and Another (2015) 7 SCC, 291**. In this Ruling it is observed-

***As in the case in hand, the Government is free to transfer the concerned person to any Department***

***in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him.***

The impugned order was passed on 20.02.2023. At this point of time departmental enquiry against the applicant was contemplated. Said enquiry culminated in imposition of punishment as per Annexure R-3-1. Taking into account all these circumstances the impugned order posting the applicant at Sonala Police Station was perfectly in accordance with what is held in Ajay Kumar (Supra). However, after the impugned order was passed the enquiry was completed and punishment imposed. Further, by order dated 07.07.2023 F.I.R. of Crime No.295/2022 came to be quashed. In view of these subsequent developments liberty will have to be granted to the applicant to make a representation for cancelling his posting at Sonala Police station. For the reasons discussed hereinabove the O.A. is dismissed. However, the applicant would be at liberty to make a representation to respondent no.3 to cancel his posting at Sonala Police Station. Respondent no.3, while deciding said representation, if made, shall take into account subsequent developments mentioned above. The representation, if made, shall be

decided within one month from the date of its receipt. No order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 09/08/2023  
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde  
Court Name : Court of Hon'ble Member (J).  
Judgment signed on : 09/08/2023.  
and pronounced on : 09/08/2023.