MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.345/2015.

Girish Sahebrao Andhare,
Aged about 43 years,
Occ : Service,
R/o Jail Quarter No.47,
Central Prison, Amravati. **Applicant.**

Versus

1) The State of Maharashtra
through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.

2) The Inspector General of Prisons (M.S.),
Old Central Building, Pune.

3) The Dy. Inspector General of Prisons,
Eastern Region, Near NEERI,
Wardha Road, Nagpur. **Respondents**

Shri S.P. Dhole, Advocate for the applicant.
Shri A.M. Ghogre, P.O. for the respondents.

Coram:- B. Majumdar, Vice-Chairman and'
R.B. Malik, Member (J)
Dated: - 27th April 2016.

Oral order **Per: Member (J)**

This O.A. can now be disposed of for the reasons to be presently set out on a short point which is very crucial.

2. The applicant challenged the impugned order whereby his promotion was cancelled and he also claimed for all practical purposes restoration to the post of Jailor, Grade-II. We have perused the record and proceedings and heard Mr. S.P. Dhole, the learned counsel for the applicant and Mr. A.M. Ghogre, the learned P.O. for the respondents.

3. As already indicated hereinabove, as of now it is not really necessary for us to closely examine the factual aspect of the matter. It seems that the controversy herein will be governed by a few decided judgments of this Tribunal as well as the Hon'ble High Court.

4. In O.A No.354/2014 (***Chandrakant Rambhau Sangle V/s Additional Director General of Police and Inspector General of Prisons, Pune, dated 24.9.2014***) rendered by Second Bench of Principal Bench at Mumbai to which one of us [R.B. Malik, Member (J)] was a Member, the respondents were directed to issue orders of promotion as per certain select list therein mentioned. Further, in an order rendered by this very Bench in O.A. No. 80/2015 (***Rajendra Thakre V/s State of Maharashtra and two others, 21.4.2015),*** certain directions were given, which Mr. Dhole, the learned

counsel for the applicant tells us will be squarely applicable to the present matter as well.

5. The order above referred to made by the Principal Bench in fact was under the judicial scrutiny of the Aurangabad Bench of the Hon'ble Bombay High Court in W.P. No.11143/2014 (***Namdeo Sopan Warsale V/s State of Maharashtra and four others, 17.2.2016***). Therein the issue of significance of adherence to the principle of natural justice by the Additional Director General of Police being the respondent No.2 before the Hon'ble High Court was dealt with and mandate was laid down. But at the same time, it was made clear that in the ultimate analysis for the controversy such as that this Tribunal would be the proper forum.

6. Now in the context of above discussion, both the parties are *ad idem* that by necessary directions to be complied with in a time bound manner, this O.A. can be finally worked out. This O.A. is, therefore, disposed of with a direction to respondent No.2 to reconsider the case of the applicant bearing always in mind the principles of natural justice as enunciated by the Hon'ble High Court iln ***Namdeo's case*** (supra) and decide it within a period of three months from today and communicate the outcome to the applicant within one

week thereafter. The order herein impugned being Annexure A-1 Page 11 of the P.B. is accordingly quashed and set aside.

No order as to costs.

sd/-

(R.B. Malik)
Member (J)

sd/-

(B.Majumdar)
Vice-Chairman

pdg