

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.522/2017  
(Shri Ramakant Nagargoje V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 21.09.2017.**

**ORAL ORDER :**

Heard Shri G.J.Pahilwan learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent no.5. It is taken on record. Copy thereof has been served on the other side.

3. Applicant has sought direction of this Tribunal to the respondent no.5 to relieve him for joining on promotional post in view of the promotion order dated 13-01-2016. It is contention of the applicant that he is serving as Police Sub Inspector in Control Room on the establishment of Superintendent of Police, Osmanabad. He has been promoted as Assistant Police Inspector (API) by order dated 13-01-2016 issued by the respondent no.3. It is his contention that, he was punished in

departmental enquiry by order dated 23-07-2014 and his 3 annual increments were stopped. It is contention of the applicant that already he has undergone punishment imposed on him, and therefore, there is no reason to retain him on the post of Police Sub Inspector (PSI). Therefore, he prayed to direct respondents to relieve him to join on the promotional post.

4. Respondent no.5 has contended that the applicant had not been relieved in view of the promotion given by the respondent no.3, as he was undergoing punishment imposed in the departmental enquiry. It is his contention that third increment will be due in the year 2018, and therefore, the applicant cannot be relieved in view of the directions given by the Special Inspector General of Police. It is his contention that he has informed respondent no.2 accordingly vide communication dated 21-01-2016 and he is awaiting necessary guidance from respondent no.2 and 3 in that regard.

5. Learned Advocate for the applicant has submitted that already 3 increments of the applicant had been stopped in view of the order passed in the departmental enquiry, and therefore, respondent no.5 ought to have relieved him immediately to join his new posting on promotion. He has submitted that respondent no.5 has wrongly calculated period of stoppage of increments, and therefore, he prayed to direct the concerned to pass necessary orders on the representation filed by him on 19-05-2017 in stipulated time frame.

6. On this, learned P.O. submits that necessary order may be passed.

7. On going through the record, it reveals that the applicant has been promoted as API in view of the order dated 13-01-2016 issued by the respondent no.3. In paragraph 5 of the said order it has been mentioned that those police personnel undergoing punishment imposed in departmental enquiry should not be relieved immediately and the concerned office has to wait

for further orders from the office of the Special Inspector General of Police. On going through the reply of respondent no.5, it is clear that the applicant was held guilty of misconduct in the departmental enquiry and punishment of stoppage of 3 increments had been imposed against him. First increment due and payable to the applicant on 01-07-2013 was withheld. Second increment which was due on 01-07-2016 had also been withheld. As per the order passed in the departmental enquiry, last and third increment which was due to the applicant on 01-07-2017 has also been withheld. It means that the period of punishment had come to an end as three increments have been withheld. The applicant is entitled to get increment in the next year.

8. Respondent no.5 has mentioned in the reply that punishment period is up to 30-06-2018. Even considering the said aspect also there is no reason to keep the promotion order of the applicant in abeyance till next year

as the respondents can withhold the increment of the applicant in the promotional scale also in view of the order in departmental enquiry and the said order can be implemented on the promotional post of the applicant. In these circumstances, it is just and proper to direct respondent no.5 to forward his representation to the competent authorities i.e. respondent no.2 and 3 immediately along with his recommendations and directed the respondent nos.2 and 3 to take decision on the said representation of the applicant within a month.

9. Therefore, respondent no.5 is directed to forward representation dated 19-05-2017 to the respondent nos.2 and 3, immediately along with his recommendation, if any. On receiving the representation of the applicant, respondent no.2 and 3 shall take decision on the same on merit within 1 month from the date of this order. O.A. stands disposed of accordingly with no order as to costs.

**MEMBER (J)**