

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 141 of 2022 (S.B.)**

Prakash Ramaji Bawangade,  
aged about 57 years, Occ. Service,  
R/o 42, Juna Bagadganj, Bhandara Road,  
Gangabai Ghat Chowk, Nagpur.

**Applicant.**

**Versus**

1. State of Maharashtra through its Secretary,  
Department of Home, Mantralaya, Mumbai-32.
2. Additional Director General of Police (Administration),  
Maharashtra State, Mumbai-01.
3. Commissioner of Police,  
Having office at Civil Lines, Nagpur.
4. Deputy Commissioner of Police, Zone-5,  
Nagpur City, Nagpur.

**Respondents.**

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**Shri R.V. Shiralkar, Advocate for the applicant.**  
**Shri A.M. Ghogre, learned P.O. for respondents.**

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**WITH**  
**ORIGINAL APPLICATION No. 145 of 2022 (S.B.)**

Prakash Ramaji Bawangade,  
aged about 57 years, Occ. Service,  
R/o 42, Juna Bagadganj, Bhandara Road,  
Gangabai Ghat Chowk, Nagpur.

**Applicant.**

**Versus**

1. State of Maharashtra through its Secretary,  
Department of Home, Mantralaya, Mumbai-32.
2. Additional Director General of Police (Administration),  
Maharashtra State, Mumbai-01.
3. Commissioner of Police,  
Having office at Civil Lines, Nagpur.

4. Deputy Commissioner of Police, Zone-5,  
Nagpur City, Nagpur.

**Respondents.**

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**Shri R.V. Shiralkar, Advocate for the applicant.  
Shri A.M. Ghogre, learned P.O. for respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.  
Dated :- 12/07/2023.**

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**COMMON JUDGMENT**

Heard Shri Amay Motlag, learned counsel holding for Shri R.V. Shiralkar, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

2. In both the O.As., it appears that without any departmental inquiry the Deputy Commissioner of Police has passed the impugned order of punishment of stoppage of increments.

3. As per the submission of learned counsel for applicant that charges levelled against the applicant were not related to the discharge of his duties and therefore without any departmental inquiry the applicant was wrongly punished. In support of his submission pointed out the Judgment of the Hon'ble Bombay High Court Bench at Aurangabad in Writ Petition No.11851/2016, decided on 13/02/2017. As per the submission of learned counsel for applicant in both the matters, the Deputy Commissioner of Police has passed the impugned order of punishment. Deputy Commissioner of Police is not the Appointing Authority, therefore, he cannot pass such order.

4. The learned P.O. submits that as per the Maharashtra Police Act, Deputy Commissioner of Police is the Disciplinary Authority for minor punishment.

5. The learned counsel for applicant has pointed out the Notification of Government of Maharashtra dated 12/01/2011. As per this Notification, Deputy Commissioner of Police is not the Disciplinary Authority. The Deputy Commissioner of Police was not authorized to suspend the applicant as per this Notification. The Officers who are empowered to suspend the police personnel is given in Column-2 of the Notification, the Deputy Commissioner of Police is not mentioned. Moreover, without any inquiry, the respondents have imposed the punishment. Hence, the following order –

**ORDER**

(i) The O.As. are allowed.

(ii) The impugned punishment orders dated 20/03/2015 and 06/01/2018 (in O.A.No.141/2022) and impugned punishment orders dated 29/12/2017 and 03/12/2018 (in O.A.No.145/2022) are hereby quashed and set aside.

(iii) No order as to costs.

**Dated** :- 12/07/2023.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

dnk.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 12/07/2023.