

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****Rev.No.20/2017 IN O.A.No.695/2016 (D.B.)**

Shri Kuldeep Rambhau Petkar, Aged about 47 Yrs.,
Occupation – Nil, R/o Opposite Jafar Nagar,
Church, Plot No. 94, Ahabab Colony Road, Katol Road,
Nagpur : 13.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai : 32.
- 2) The Commissioner of Police,
(Crimes), City of Nagpur, Office
of Commissioner of Police,
Nagpur City, Nagpur.

Respondents

Shri M.R.Pillai, the Id. Advocate for the applicant.

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

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGMENT

(Delivered on this 22nd day of January, 2018)

Heard Shri M.R.Pillai, the learned counsel for the applicant
and Shri V.A.Kulkarni, learned P.O. for the Respondents. The matter is
being heard with the consent of Id. counsel for parties.

2. The applicant Shri K.R.Petkar has filed this review petition and requested that the Judgment dated 16/10/2017 in O.A.No.695/16 be reviewed. In the said O.A. the applicant prayed for quashing and setting aside the order of his dismissal dated 22/02/2016.

3. The Id. counsel for the applicant submits that during the course of hearing, the Id. P.O. has filed documents such as letters dated 26/02/2016 and 10/05/2016 (Annexure-A-1 & 2). It is admitted that the copy of the said documents were supplied to the applicant.

4. The Id. counsel for the applicant further states that on perusal of the letter dated 10/05/2016, the applicant gained the knowledge that the Special Inspector General of Police (Administration) vide order 10/05/2016 has specifically directed the Commissioner of Police (Crimes), Nagpur i.e. respondent no. 2 to withdraw the impugned order of dismissal of the applicant. It is stated that this letter was however, suppressed by the Id. P.O. and, therefore, it is required to be modified and the applicant is entitled to the relief as claimed.

5. Perusal of the letter dated 10/05/2016, issued by the said Police Inspector General (Administration) shows that in para no. 2 it is admitted that as per the Section 25 (2) (a) of the Maharashtra Police Act, 1951, the Commissioner of Police, Nagpur City is the competent authority to take action in para no. 3. However, it is mentioned as under

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6. The Id. counsel for the applicant, therefore, submits that in view of the above observations, the Commissioner of Police was having no choice but to cancel the dismissal order of the applicant.

7. The Id. P.O. however, invited my attention to the documents filed by him and particularly document dated 17/06/2016. This letter is issued by respondent no. 2, to the Inspector General of Police, Mumbai and in the said letter it has been clearly stated that he has no authority to review his own order. There is nothing on the record to show that the order of dismissal of the applicant was ever reviewed by the Commissioner of Police, i.e., respondent no. 2. In any case the fact remains that the respondent no. 2 the Commissioner of Police (Crime), Nagpur City is the appointing authority and dismissing authority in respect of the applicant who was the Police Constable and accordingly he has taken action under Article 311 (2) (b) against the applicant. No such action was taken against the Police Inspector involved in the case as the appointing authority in spite of Police Inspector is Government and, therefore, the case of the Police Inspector, Shri Chandrashekar P. Dhole has been forwarded to the Government for taking proper action under

Article 311(2)(b) of the Constitution of India. The Id. counsel for the applicant submits that the Police Inspector Shri Chandrashekar P. Dhole is still in service and the applicant though a Police Constable, has been dismissed. However, this argument will not help the applicant in any manner. Considering these aspects, I do not find any reason to review the Judgment dated 16/10/2017 passed in O.A. No. 695/2016. Hence the following order:-

ORDER

The Review Application stands dismissed with no order as to costs.

Dated :- 22/01/2018
aps

(J.D. Kulkarni)
Vice-Chairman (J).