

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 1329/2023(D.B.)

Rakesh S/o Siddharth Bodele,
Aged 35 years, Occ. Service,
R/o. Plot No.83, Raghupati Nagar,
Wadi, Nagpur.

Applicant.

Versus

1. State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai.
2. Director General of Police,
Maharashtra State Police,
Head Quarters,
Shahid Bagatsing Marg,
Colaba, Mumbai-01.
3. Commissioner of Police,
Nagpur City Police.

Respondents

Shri Z.Z.Haque,Ld. Counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 25th January, 2024.

JUDGMENT

Heard Shri Z.Z.Haque, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the Respondents.

2. The regular Division Bench is not available. The Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai issued Circular No.MAT/MUM/JUD/469/2023, dated 24/04/2023. As per the direction of Hon'ble Chairperson, if both the parties have consented for final disposal, then regular matter pending before the Division Bench can be disposed off finally.

3. The learned P.O. has filed reply of respondent no. 3. The said reply is sufficient to decide the O.A. The O.A. is admitted, heard and decided finally with the consent of both the parties.

4. Case of the applicant in short is as under-

The applicant was appointed on the post of Police Constable in the year 2016. Thereafter, the applicant has passed the examination for the post of P.S.I. on 05.05.2017. The applicant was not sent for training. Therefore, the applicant approached to this Tribunal for the following reliefs-

A. Direct the respondent no.2 to issue no-objection certificate in favour of the applicant and further grant

permission to the applicant and send him for training for the post of Sub-Inspector which would be held on 04/02/2023. Further direct the respondent no.2 to promote the applicant to the post of Sub-Inspector after completion of training with effect from the batch which had cleared examination for Police-Sub Inspector Limited Departmental Examination 2016.

B. Direct the respondent no.3 to regularize the suspension period from 04/09/2017 to 26/08/2018 and release the arrears of salary.

C. Allow the application

D. Grant any other relief deemed to be fit in the present facts and circumstances.

Interim Relief:

A. Be pleased to direct the Respondent No.2 and 3 to decide the representations dated: 02/08/2023 and 26/08/2022;

B. Be pleased to direct the Respondent No.2 to issue provisional no-objection and permit the applicant to go for training subject to the decision of the present application.

5. During the pendency of this O.A., respondents have informed that the applicant is sent for training on the post of P.S.I.. The learned counsel for the applicant submits that part of the prayer clause is to be complied. Therefore, prayed to direct the respondents to promote the applicant on the post of P.S.I..

6. Heard Shri V.A.Kulkarni learned P.O. for the respondents. As per his submission, the applicant is already sent for training of P.S.I. and his suspension period is treated as duty period. The learned P.O. submits that criminal case was filed against the applicant

and criminal case is decided by the Additional Sessions Judge, Nagpur and he is acquitted for the offence punishable under Section 7 & (13)(1)(d) r/w13(2) of Prevention of Corruption Act, 1988.

7. Now, there is no departmental enquiry against the applicant. The applicant is already acquitted by the Special Judge, Nagpur as per order dated 25.05.2022. No any appeal is filed against the said order before the Hon'ble High Court. The applicant has to undergo training from 29.01.2024.

Hence, the following order is passed-

ORDER

1. The O.A. is allowed.
2. The respondents are directed to promote the applicant on the post of P.S.I. as per Rules, if he is eligible for the same.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated - 25/01/2024
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 Vice Chairman.
Judgment signed on : 25/01/2024.
Uploaded on : 02/02/2024.
