

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.778/2016

DISTRICT: PARBHANI

Amol Nagnath Wadekar,
Age : 28 years, Occ : Service,
R/o C/o : Police Head Quarters,
Parbhani, Tq. & Dist. Parbhani.

..APPLICANT

V/s.

- 1] The State of Maharashtra,
The Ministry of Home,
Government of Maharashtra,
Mantralaya, Mumbai-32.
- 2] The Special Inspector General of Police,
Nanded Range, Nanded.
Tq. and Dist. Nanded.
- 3] The District Superintendent of Police,
Parbhani, Dist. Parbhani. ...RESPONDENTS

APPEARANCE: Shri Aashish T. Jadhavar learned
Advocate for the applicant.

Shri V.R.Bhumkar learned Presenting
Officer for respondents.

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 13-04-2017

ORAL ORDER

The applicant has sought direction of this Tribunal to the respondents to reinstate him on his post with immediate effect. Learned Advocate for the applicant

has submitted that the applicant was suspended on 16-08-2014 as Crime No.3091/2014 under Section 7, 12, 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988 was registered against him on 13-08-2014 with Gangakhed Police Station. Learned Advocate for the applicant has submitted that one Shri Uttam Ramdas Chavan, Police Inspector was also one of the accused in the said crime. He was also suspended, but later on, his suspension was revoked by the concerned authorities.

2. Learned Advocate for the applicant has submitted that applicant has made several requests to the respondents for reinstatement as his case is like Shri Chavan, Police Inspector but his representation has not been considered and he has not been reinstated. He, therefore, prayed to issue direction to the respondents accordingly.

3. Learned P.O. has submitted that considering the facts of the case it is clear that role of the applicant is different than the role of Shri Chavan. Applicant was

caught red handed along with tainted notes, and therefore, he was suspended by the respondents. His suspension was reviewed from time to time and his request for revocation of suspension has been rejected, and therefore, principle of parity cannot be applied to the case of the applicant. Learned P.O. has attracted my attention towards communication dated 09-02-2017 issued by the Superintendent of Police, Parbhani wherein it has been mentioned that regular review regarding revocation of suspension of the applicant has been taken in the meeting of the review committee and his request has been rejected. It has been further mentioned in the letter that the information has been forwarded to the Additional Chief Secretary, Home Department, Mantralaya, Mumbai.

4. On perusal of record, it reveals that as applicant was caught hold while accepting bribe, a crime has been registered against him and another, and therefore, he was suspended by order dated 16-08-2014 (page 10). Record shows that the Departmental Enquiry (DE) has been initiated against the applicant. Evidence of

government witnesses is recorded and now the matter is fixed for recording statement of defense as well as delinquent i.e. applicant in view of the communication dated 27-03-2017 sent by Superintendent of Police, Parbhani. Moreover, proposal for sanction to prosecute the applicant is pending before the competent authority. On perusal of contents of the application, it reveals that the applicant has nowhere challenged the suspension order dated 16-08-2014 in this O.A. He has also not sought relief for revocation of the suspension order. He simply prayed to direct the respondents to reinstate him immediately contending that his representation has not been considered.

5. Learned Advocate for the applicant has submitted at bar that O.A. may be disposed of with a direction to the respondents to consider representation of the applicant and to place the matter before review committee for revocation of the suspension.

6. In view of the said facts and circumstances, it would be just to direct the respondent no.3 to consider

the case of the applicant afresh on merit by placing it before suspension review committee and to decide his representations, if any, pending, as early as possible, and preferably within 1 month from the date of this order, on its own merit. Accordingly, O.A. stands disposed of with these directions. There shall be no order as to costs.

MEMBER (J)

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