

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.340/2023**

**DISTRICT :- NANDED**

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Gangadhar s/o. Lalu Gaikwad,  
Age : 56 years, Occ. Service as a  
Police Head Constable,  
R/o. Harsha Nagar, Nanded,  
Tq. & Dist. Nanded.

**...APPLICANT**

**V E R S U S**

1. The State of Maharashtra,  
The Ministry of Home,  
Government of Maharashtra,  
Mantralaya, Mumbai – 32.  
Through its Secretary.
2. The Superintendent of Police,  
Nanded, Dist. Nanded.
3. The Police Inspector,  
Police Station, Vimantal, Nanded,  
Tq. & Dist. Nanded.

**...RESPONDENTS**

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APPEARANCE : Shri Swapnil A. Deshmukh, Counsel  
holding for Shri M.D.  
Godhamgaonkar, Counsel for  
applicant.  
: Shri V.G.Pingle, Presenting Officer  
for respondents.  
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**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN  
AND  
SHRI VINAY KARGAONKAR, MEMBER (A)**

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**Date : 25-07-2024**  
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**ORAL ORDER**

1. Heard Shri Swapnil A. Deshmukh, learned Counsel holding for Shri M.D. Godhamgaonkar, learned Counsel for applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. By filing the present O.A., the applicant has approached this Tribunal challenging show cause notice of dismissal dated 23-03-2023 issued by respondent no.2 - Superintendent of Police, Nanded. Respondent no.2 had issued the aforesaid show cause notice to the applicant based on his conviction in the Regular Criminal Case No.473/2015.

3. Today, when the matter is taken up for consideration, learned Counsel for the applicant has tendered copy of the judgment delivered by learned Additional Sessions Judge-2, Nanded on 20-05-2024 in Criminal Appeal No.17/2023 filed by the present applicant against the conviction order passed in the aforesaid Regular Criminal case by the JMFC-5, Nanded. Appellate court has allowed the appeal and set aside the order passed by the Trial Court and thereby acquitted the applicant from the charges leveled against him.

4. When a query made by us to learned P.O. whether any further action was taken in pursuance of the show cause notice dated 23-03-2023, it is submitted that till date no action has been taken in pursuance of the said show cause notice.

5. After having considered the facts as aforesaid, we deem it appropriate to dispose of the present O.A. with the following directions:

[i] Applicant shall make a fresh representation to the appointing authority by annexing therewith copy of the judgment passed in Criminal Appeal No.17/2023 within two weeks from the date of this order and if such a representation is made, the appointing authority shall consider the same on its own merit and pass necessary orders on the said representation within six weeks from the date of its receipt.

[ii] Original Application stands disposed of accordingly without any order as to costs.

**(VINAY KARGAONKAR)**  
**MEMBER (A)**

**Place : Aurangabad**

**Date : 25-07-2024.**

2024\db\YUK O.A.NO.340.2023 PRB

**(P.R.BORA)**  
**VICE CHAIRMAN**