

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 47 OF 2023
(Subject – Minor Punishment)**

DISTRICT : BEED

Anil S/o Rambhau Waghmare,)
Age : 59 years, Occu. : Retired as Head Constable,))
R/o : Near Swami Vivekanand School,)
Dhanora Road, Beed.)

.... **APPLICANT**

V E R S U S

1. **State of Maharashtra,**)
Through Secretary,)
Home Department,)
Mantralaya, Mumbai-32.)
2. **The Director General of Police,**)
Maharashtra State, Shahid Bhagatsing)
Marg, Mumbai.)
3. **The Special Inspector General of Police,))**
Aurangabad, Station Road, Padampura)
Road, Vishram Bagh, Near Mahavir)
Chowk, Aurangabad.)
4. **The Superintendent of Police,**)
Beed.)

... **RESPONDENTS**

APPEARANCE : Shri K.B. Jadhav, Counsel for Applicant.

: Smt. Resha Deshmukh, Presenting Officer for
respondent authorities.

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

RESERVED ON : 08.04.2024

PRONOUNCED ON : 10.06.2024

ORDER

1. Heard Shri K.B. Jadhav, learned counsel appearing for the applicant and Smt. Resha Deshmukh, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of finally with the consent of both the sides at the admission stage itself.

3. By filing the present Original Application, the applicant is challenging the punishment order dated 18.08.2020 passed by respondent No. 4, thereby deducting Rs. 10,000/- per month from his salary for ten months. The applicant is also seeking quashing and setting aside the order dated 31.03.2021 passed by respondent No. 3, thereby dismissing the departmental appeal filed by the applicant and impugned order dated 25.08.2022 passed by respondent No. 2, thereby dismissing the revision / second appeal filed by the applicant against the orders passed by respondent Nos. 3 and 4. The applicant is also seeking quashing and setting aside the order dated 18.03.2021 passed by respondent No. 4, thereby treating the suspension period from 11.02.2014 to 29.02.2016 as suspension period. The applicant is seeking directions to the respondents to grant him all the pay and allowances for the

suspension period with all consequential benefits and also seeking directions to the respondents to refund the amount of Rs. 1,00,000/- to him, which is recovered from him in view of punishment order dated 18.08.2020.

4. Brief facts as stated by the applicant giving rise to the Original Application are as follows :-

(i) On 11.06.1985, the applicant was initially appointed on the post of Police Constable by respondent No. 4. Thereafter, he was promoted on the post of Head Constable. The applicant came to be retired from the post of Head Constable on 31.05.2021 on attaining the age of superannuation.

(ii) It is the case of the applicant that while working on the post of Head Constable at Parali City Police Station, one Crime No. 19/2014 came to be registered against the applicant and another for the offences punishable under Section 306 of I.P.C. Thus the applicant was suspended from service by order dated 12.02.2014 w.e.f. 11.02.2014 subject to Departmental Enquiry by respondent No. 4.

(iii) The applicant further contends that the respondent No. 4 has issued charge-sheet dated 21.06.2014 of the

Departmental Enquiry against the applicant and also appointed the Enquiry Officer. There were three charges levelled against the applicant solely on the basis of registration of crime against the applicant. The enquiry was conducted against the applicant and the Enquiry Officer has submitted enquiry report to respondent No. 4 on 20.06.2015/13.07.2015 stating therein that the charges against the applicant have been proved.

(iv) The applicant further submitted that by order dated 29.02.2016, the applicant was reinstated in service. On 12.11.2018, the applicant came to be acquitted from the Criminal Case bearing Sessions Case No. 08/2015 under Sections 498-A, 306 read with 34 of IPC.

(v) The applicant thereafter submitted application on 17.12.2019 to respondent No. 4 requested therein to treat the suspension period as duty period and grant him all consequential benefits.

(vi) On 05.03.2020, the respondent No. 4 has issued show cause notice to the applicant calling explanation from the applicant. On 19.06.2020, the applicant submitted reply to the findings recorded by the Enquiry Officer. On

18.08.2020, the respondent No. 4 has issued punishment order, thereby imposing punishment of deduction of 10,000/- per month for ten months from monthly salary of the applicant. Though the applicant has preferred departmental appeal, the said came to be dismissed.

(vii) It is further case of the applicant that on 16.12.2020 the respondent No. 4 has issued show cause notice to the applicant and called explanation as to why the suspension period should not be treated as suspension period (Annexure A-12). By impugned order dated 18.03.2021, the respondent No. 4 issued order in respect of suspension period of the applicant and the period of suspension is treated as suspension period. According to the applicant, the charges of the criminal case and Departmental Enquiry were same and in view of the acquittal of the applicant in the criminal case by the Sessions Court, the applicant ought to have been exonerated from all the charges levelled against the applicant in the Departmental Enquiry. Hence, the present Original Application.

5. Learned counsel for the applicant submits that the charges against the applicant in the Departmental Enquiry and

in the Criminal case are similar. Further the witnesses mentioned in the Departmental Enquiry are also similar. Learned counsel submits that as per the law laid by the Hon'ble Apex Court in a case of **Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and Anr., reported (1999) 3 Supreme Court Cases 679**, the Departmental Enquiry cannot be continued on the basis of the similar charges mentioned in the criminal case. However, without considering the judgment of the Hon'ble Apex Court, the respondent No. 4 has continued the Departmental Enquiry and imposed the punishment of monthly deduction of Rs. 10000/- from salary of the applicant for ten months. Learned counsel submits that the impugned punishment order is thus liable to be quashed and set aside.

6. Learned counsel for the applicant submits that the impugned order dated 18.03.2021 is illegal and without application of mind. Once the applicant came to be acquitted from the Criminal Case and meanwhile the Departmental Enquiry is concluded by the Department, the respondent No. 4 cannot impose second punishment of treating the suspension period as suspension period. The said order dated 18.03.2021 is also liable to be quashed and set aside. Learned counsel for the applicant submits that the applicant is entitled for pay and

allowances by treating the suspension period as duty period along with all consequential benefits. Further the applicant is also entitled for refund of amount recovered from him in terms of the punishment order.

7. Learned counsel for the applicant in order to substantiate his contentions placed reliance on the following citations :-

(i) Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and Anr., reported (1999) 3 Supreme Court Cases 679.

(ii) G.M. Tank Vs. State of Gujrat and Others, (2006) 5 Supreme Court Cases 446.

(iii) Ram Lal Vs. State of Rajasthan and Ors. in Civil Appeal No. 7935/2023 (arising out of SLP (C) No. 33423 of 2018), dated 04.12.2023.

8. Learned Presenting Officer on the basis of affidavit in reply filed on behalf of respondent Nos. 1 to 4 submits that the charges levelled in the Departmental Enquiry against the applicant are about immoral behavior and in the Criminal Case charges levelled for Section 306 of IPC i.e. abetment of suicide. Thus the charges levelled against the

applicant in the Departmental Enquiry and the Criminal Case are different one.

9. Learned Presenting Officer submits that the treatment of suspension period is not a punishment and it is an administrative action under the provisions of Rule 72 of the Maharashtra Civil Services (Joining Time, Foreign Services and Payment During Suspension, Dismissal and Removal) Rules, 1981 (for short 'Rules of 1981'). Learned Presenting Officer submits that the respondent No. 4 has passed the impugned order treating the suspension period of the applicant as suspension period in terms of Rule 70(4), 70(5), 71 and 72 of the Rules of 1981. Learned P.O. submits that there is no substance in the present Original Application and the same is liable to be dismissed.

10. By impugned order dated 18.08.2020, the respondent No. 4 has imposed minor punishment on the applicant, thereby deducting Rs. 10,000/- per month from his salary for ten months. Learned counsel for the applicant has vehemently submitted that the charges against the applicant in the Departmental Enquiry and in the Criminal Case are similar. Further, the witnesses mentioned in the Departmental Enquiry

are also similar. Learned counsel submits that once the applicant came to be acquitted from the criminal case, in terms of the law laid down by the Hon'ble Apex Court in a case of **Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and Anr.** (cited supra) the punishment imposed on conclusion of the Departmental Enquiry is not sustainable in the eyes of law and the same is liable to be quashed and set aside.

11. The applicant while working on the post of Head Constable at Parali City Police Station, Crime No. 19/2014 came to be registered against him and one another for the offence punishable under Section 306 of I.P.C. The applicant was also subjected to Departmental Enquiry with the following three charges :-

(i) The applicant while working on the post of Head Constable at Police Station Parali City and when he was allotted duty as Security Guard of Parali Vaijanath Temple used to go to the mess being run by one Khandu Sakhare and his wife Seema Sakahre for taking meals and since got acquainted with the wife of Khandu Sakhare, used to harass her by making phone calls for keeping illicit sexual relations.

(ii) The applicant while talking with Seema Sakhare on her personal mobile number about keeping illicit sexual relations with her, the said conversation was overheard by her husband Khandu Sakhare and Khandu Sakhare had given understanding to you not to talk with his wife. However, despite that the applicant used to talk to said Seema Sakhare on her personal mobile number and harassed her.

(iii) The said Seema Sakhare out of fear of defamation and also because of the constant harassment of the applicant on 31.01.2014 at about 07.00 p.m. committed suicide by hanging herself and accordingly, Crime No. 19/2014 for the offence punishable under Section 306 of IPC came to be registered against the applicant on 11.02.2014. It has been specifically stated in the Annexure A-2 of the charge-sheet that the applicant's conduct and behavior is not befitting to be the Government servant and that because of the constant harassment of the applicant to the said Seema Sakhare, she had committed suicide and as such, the applicant has abetted her for commission of suicide.

12. On perusal of the final enquiry report dated 20.06.2015/13.07.2015, it appears that the enquiry office has found the applicant guilty for all the charges levelled against him. It further appears that the disciplinary authority after giving show cause notice and after serving enquiry report on the applicant and on giving an opportunity of being heard, by order dated 18.08.2020 imposed punishment on the applicant of deduction of 10,000/- per month from his salary for a period of 10 months. It further appears that the second appeal filed by the applicant came to be dismissed by the departmental appellate authority.

13. On perusal of the judgment and order passed by the Sessions Court in Sessions Case No. 08/2015 (State of Maharashtra Vs. Anil Rambhau Waghmare & one another) charge U/Sec. 498-A, 306 r.w. 34 of Indian Penal Code, it appears that the applicant was the accused No. 1 in the aforesaid Sessions Case No. 08/2015 and the accused No. 2 was the husband of deceased Seema Sakhare. So far as the present applicant, who was accused No. 1 in the said Sessions Case is concerned, he came to be tried for following charge :-

(i) Does prosecution proves that accused No. 1 (applicant herein) abetted the suicide of Seema by harassing her for sexual

favours from time to time about three months prior to 31.01.2014 (bracketed portion supplied). So far as this charge is concerned, in the judgment and order of acquittal the learned Sessions Court, Ambajogai has recorded finding in negative.

(emphasis supplied)

14. Learned Asst. Sessions Judge, Ambajogai in the acquittal order dated 12.11.2015 in Sessions Case No. 08/2015 in para No. 13 has made the following observations :-

“13. Accused No.1 has simply denied that he had illicit alliance with Seema or harassing her to fulfill his lust. He is entitled to do so. He however could not show that witness Laxmanbai has deposed falsely about the same and had any reason to depose accordingly. I find her version trustworthy. The collective reading of report, the statements of Shambhuling and Laxmanbai would show that accused No.1 has illicit relations with late Seema and he was harassing her to satisfy his lust.”

Learned Asst. Sessions Judge, Ambajogai while acquitting the accused / applicant herein in para Nos. 18, 19 & 20 has made the following observations :-

“18. Besides recording statements of witnesses, investigation officer has done nothing significant. The Investigation has been conducted in such a manner that it gives an impression that lapses are not the result of inadvertence but deliberate attempt to frustrate the prosecution against accused No. 1. Otherwise there

was no reason for the investigating officer not to collect the call data record of the accused No. 1 and late Seema and seized their mobile handsets.

19. I am aware that the faulty investigation should not be a ground to acquit the accused. The courts prime duty is to find out the truth. If there would have been investigation about telephonic conversations between accused No.1 and deceased, their call data record etc. the prosecution would have been on firmer ground. Lack of such Investigation has jeopardize the prosecution case.

*20. As per the directions of Hon'ble Supreme Court in **State of Gujrat Vs. Kishanbhai (Criminal Appeal No. 1485 of 2008)**, the erring investigating officer has to be dealt with by way of appropriate departmental action. Therefore the copy of this judgment be forwarded to the Superintendent of Police, Beed for appropriate departmental action against the concerned investigating officer in accordance of law."*

15. It is thus clear from the aforesaid reading of the paragraphs of the judgment and order of the acquittal passed by the learned Asst. Sessions Judge, Ambajogai that the learned Judge has come to the conclusion that the accused No. 1 (applicant herein) has illicit relation with late Seema and he was harassing her to satisfy his lust. Learned Asst. Sessions Judge, Ambajogai has also observed unequivocally that investigation officer has done nothing significant and there was no reason for the investigating officer not to collect the call date record of the

accused No. 1 (applicant herein) and late Seema and seized their mobile handsets. Thus the learned Asst. Sessions Judge, Ambajogai relying upon the ratio laid down by the Hon'ble Supreme Court in a case of State of Gujrat Vs. Kishanbhai (Criminal Appeal No. 1485 of 2008) has forwarded copy of the said judgment of the acquittal to the Superintendent of Police, Beed for appropriate departmental action against the concerned investigating officer in accordance with law.

16. In the backdrop of the aforesaid factual aspects and the observations made by the learned Asst. Sessions Judge, Ambajogai in the judgment and order of acquittal, perusal of the Annexure A-10 dated 18.08.2020, which is an order passed by the disciplinary authority i.e. the Superintendent of Police, Beed imposing thereby punishment on the applicant directing deduction of 10,000/- per month from his monthly salary for a period of 10 months is necessary. The Superintendent of Police, Beed (disciplinary authority) has also considered the judgment and order passed by the learned Asst. Sessions Judge, Ambajogai in connection with the Sessions Case No. 08/2015 against the applicant and accordingly exonerated the applicant for departmental charge No. 3, for which the applicant has also been tried by the learned Asst. Sessions Judge, Ambajogai in the

aforesaid Sessions Case No. 08/2015. The Superintendent of Police, Beed has considered the charge Nos. 1 and 2 as proved charges to the extent of misconduct of the applicant, since the conduct of the applicant is not only befitting the public servant but also against the discipline required to be maintained in the Police Department. It is necessary repeat here that the charge Nos. 1 and 2 of the Departmental Enquiry are pertaining to the harassment of Seema Sakhare by the applicant by calling her frequently on her mobile to seek sexual favours. It is also necessary to observe here that in para No. 13 of the judgment and order, the learned Asst. Sessions Judge, Ambajogai has also observed that accused No. 1 (applicant herein) was harassing late Seema to satisfy his lust.

17. In a case of **Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and Anr., reported (1999) 3 Supreme Court Cases 679**, relied upon by learned counsel for the applicant, the Superintendent of Police had raided the residential premises of the applicant (delinquent therein) and had recovered a mining sponge gold ball weighing 4.5 grams and 1276 grams of gold bearing sand. It was on this basis that criminal case was launched against him. On the same set of facts, constituting the raid and recovery, departmental proceedings were initiated

against the appellant as the recovery was treated as misconduct. On 03.02.1987, judgment in the criminal case was pronounced and the appellant came to be acquitted with the categorical findings that the prosecution had failed to establish its case. In the backdrop of these facts, in para No. 13 of the judgment, the Hon'ble Supreme Court has made the following observations :-

“13. As we shall presently see, there is a consensus of judicial opinion amongst the High Courts whose decisions we do not intend to refer in this case, and the various pronouncements of this Court, which shall be copiously referred to, on the basic principle that proceedings in a criminal case and the departmental proceedings can proceed simultaneously with a little exception. As we understand, the basis for this proposition is that proceedings in a criminal case and the departmental proceedings operate in distinct and different jurisdictional areas. Whereas in the departmental proceedings, where a charge relating to misconduct is being investigated, the factors operating in the mind of the Disciplinary Authority may be many such as enforcement of discipline or to investigate the level of integrity of the delinquent or the other staff, the standard of proof required in the those proceedings is also different than that required in a criminal case. While in the departmental proceedings the standard of proof is one of preponderance of the probabilities, in a criminal case, the charge has to be proved by the prosecution beyond reasonable doubts. The little exception may be where the departmental proceedings and the criminal case are based on the same set of facts and the evidence in both the proceedings is common without there being a variance.”

18. The Hon'ble Supreme Court has referred various decisions on this point and in para No. 22 has drawn the following conclusion :-

“22. The conclusions which are deducible from various decisions of this Court referred to above are :

(i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.

(ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.

(iii) Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge sheet.

(iv) The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the Departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.

(v) If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest."

19. In the instant case, the applicant was working as Police Head Constable when the said incident of commission of suicide by Seema Sakhare had taken place. Besides the charge of abetment of said suicide, other two charges were relating to the misconduct. The disciplinary authority has exonerated the applicant so far as charge of abetment of commission of suicide, which is similar to the charge No. 2 in the Sessions Case No. 08/2015, for which the applicant came to be tried. So far as first charge Nos. 1 and 2 of the Departmental Enquiry is concerned, the same is not the part of criminal trial. However, learned Asst. Sessions Judge, Ambajogai in para No. 13 of the judgment and

order of the acquittal has adversely observed about the conduct of the applicant.

20. In view of above, even though the Criminal Case, as well as, Departmental proceedings were based on the identical set of facts and the witnesses in both the proceedings are same, the disciplinary authority has considered the conduct of the applicant in entire process, whereas in the criminal proceedings learned Asst. Sessions Judge, Ambajogai though has observed adversely the conduct of the applicant in making harassment to deceased Seema Sakhare, acquitted the applicant solely on the ground that the investigating officer has not done his job correctly. Learned Asst. Sessions Judge, Ambajogai has also forwarded copy of the judgment of the acquittal to the Superintendent of Police, Beed for appropriate departmental action against the concerned investigating officer in this context. In view of the same, I find no fault in the impugned order dated 18.08.2020, thereby imposing punishment of deduction of 10,000/- per month for ten months from monthly salary of the applicant.

21. On careful perusal of the order dated 18.03.2021 passed by respondent No. 4, thereby treating the suspension

period from 11.02.2014 to 29.02.2016 as suspension period is concerned, I do not find any fault in the said order.

22. Rule 72 of the Maharashtra Civil Services (Joining Time, Foreign Services and Payment During Suspension, Dismissal and Removal) Rules, 1981 (for short 'Rules of 1981') prescribes re-instatement of a Government servant after suspension and specific order of the competent authority regarding pay and allowances etc. and treatment of period as spent on duty. It is for the competent authority to consider and make a specific order regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with re-instatement or the date of his retirement on superannuation, as the case may be and consequently whether or not the said period shall be treated as a period spent on duty. Rule 72 of the said Rules of 1981 is reproduced herein below :-

“72. Re-instatement of a Government servant after suspension and specific order of the competent authority regarding pay and allowances etc. and treatment of period as spent on duty- 1. When a Government servant who has been suspended is reinstated or would have so reinstated but for his retirement on superannuation while under suspension, the authority competent to order re-instatement shall consider and make a specific order:-

- a) *regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with re-instatement or the date of his*

*retirement on superannuation, as the case may be;
and*

- b) whether or not the said period shall be treated as a period spent on duty*

2. Notwithstanding anything contained in rule 68, where a Government servant under suspension dies before the disciplinary or Court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not suspended, subject to adjustment in respect of subsistence allowance already paid.

3. Where the authority competent to order re-instatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall be paid of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

4. In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

5. In cases other than those falling under sub-rules(2) and (3) the Government servant shall, subject to the provisions of sub-rules (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any submitted by him in that connection within such period which in no case shall exceed, as may be specified in the notice.

6. Where suspension is revoked pending finalisation of the of the disciplinary or court proceedings, any order passed under

sun-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case be.

7. In a case falling under sub-rule (5) the period of suspension shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose.

Provided that if the Government servant so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant.

Note.- The order of the competent authority under preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of-

- (a) extraordinary leave in excess of three months in the case of temporary Government servant: and*
- (b) leave of any kind in excess of five years in the case of permanent Government servant.*

8. The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

9. The amount determined under the proviso to sub-rule (3) or under sun-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 68."

23. In the impugned order dated 18.08.2020 the Superintendent of Police, Beed being a competent authority has considered that the applicant came to be acquitted in a Criminal Case by the Sessions Judge for lacunas in the investigation. It thus appears that the competent authority is of the opinion that the suspension of the applicant was justified. In terms of sub-rule (7) of Rule 72 of the Rules of 1981, the respondent No. 4 has rightly treated the period of suspension of the applicant as period

of suspension. Further the applicant has not requested the competent authority to convert the said period of suspension into leave of any kind and due and admissible to him. So far as sub-rule (5) of Rule 72 of the Rules of 1981 is concerned, the Government servant shall, subject to the provisions of sub-rules (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine. It appears that in terms of sub-rule (4) of Rule 72 of Rules of 1981, the competent authority has not given specific notice to the applicant to submit his explanation about the proposed quantum in terms of sub-rule (5) of Rule 72 of the Rules of 1981. In view of the same, the applicant is at liberty to file a representation to the competent authority and upon filing of such an application, the competent authority shall decide the same in terms of sub-rule (5) of Rule 72 of Rules of 1981. It is to be noted here that the reference to Rule 70 of the Rules of 1981 by the competent authority in the impugned order is unwarranted and uncalled for. Hence, the following order :-

ORDER

- (i) The Original Application is hereby dismissed to the extent of impugned punishment order dated 18.08.2020 passed

by respondent No. 4, directing thereby monthly deduction of Rs. 10,000/- from the salary of the applicant for ten months. The punishment order dated 18.08.2020 passed by the respondent No. 4 stands confirmed.

- (ii) The Original Application is also dismissed to the extent of the order dated 18.03.2021 passed by respondent No. 4, thereby treating the suspension period from 11.02.2014 to 29.02.2016 as suspension period. The order dated 18.03.2021 stands confirmed.
- (iii) The applicant is at liberty to file an application to the competent authority within a period of four weeks from the date of this order and the competent authority shall decide the said application in terms of sub-rule (5) of Rule 72 of the Maharashtra Civil Services (Joining Time, Foreign Services and Payment During Suspension, Dismissal and Removal) Rules, 1981 within a period of four months thereafter.
- (iv) In the circumstances, there shall be no order as to costs.
- (v) The Original Application is accordingly disposed of.

PLACE : Aurangabad.

DATE : 10.06.2024

KPB S.B. O.A. No. 47 of 2023 VKJ Minor Punishment

(Justice V.K. Jadhav)

Member (J)