

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 1607 OF 2024**

**DISTRICT : KOLHAPUR**

Shri Anand Ganapati Nigade	)	
Occ-Head Constable,	)	
R/at Plot No. 33, Laxmi Vasahat,	)	
Jawahar Nagar, Kolhapur 416 012	)	<b>...Applicant</b>

**Versus**

1.	The State of Maharashtra	)	
	Through the Secretary,	)	
	Home Department, Mantralya,	)	
	Mumbai 400 032.	)	
2.	The Director General of Police,	)	
	S.B.S Marg, Colaba,	)	
	Mumbai 400 001.	)	
3.	Addl D.G.P [Training] and Special	)	
	Units, S.B.S Road,	)	
	Colaba, Mumbai 400 001.	)	
4.	The Superintendent of Police,	)	
	Kolhapur.	)	
	Kasba Bawda Road, Ramanmala,	)	
	Opp. Police Head Quarters,	)	
	Kolhapur 416 006.	)	<b>...Respondents</b>

Shri S.S Dere, learned advocate for the Applicant.

Ms Archana B.K, learned Presenting Officer for the Respondents.

**CORAM : Justice Mridula Bhatkar (Chairperson)**  
**Shri A.M Kulkarni (Member) (A)**

**DATE : 02.01.2025**

**PER : Justice Mridula Bhatkar (Chairperson)**

**J U D G M E N T**

1. The applicant working as Police Head Constable prays that the Respondents be directed to send the Applicant for training to the post of Police Sub-Inspector in Batch No. 126 on the basis of communication dated 28.8.2023 issued by the Respondent No. 1 and order dated 23.11.2023 passed by this Tribunal.

2. The applicant along with other Head Constables had appeared for the Limited Departmental Competitive Examination (LDCE) and after clearing the said examination, his name appeared in the Select List of Police Sub-Inspector on 28.8.2023. However, he along with others could not be sent for training in the Batch No. 123, which was Batch of successful candidates who had cleared the said Limited Departmental Competitive Examination. The applicant along with other successful candidates filed O.A No. 1567/2023. The said Original Application was allowed by order dated 22.12.2023 directing the Respondent-State that the applicants be permitted to join the training in the next Batch, i.e., Batch No. 124 of direct recruit P.S.I. Accordingly, the Director General of Police was directed to relieve the applicants on 26.12.2023. However, the applicant was not relieved by the Superintendent of Police, Kolhapur, on the ground that the applicant was given show cause notice for the misconduct and departmental enquiry was initiated against him. The applicants

other than the present applicant however were sent for training and the present applicant was not sent for training. The Enquiry Officer held the applicant guilty in the departmental enquiry and the Disciplinary Authority imposed punishment of stoppage of increment for two years on 10.1.2024. Thus, the applicant's first increment was stopped from 1.7.2024 and the period of two years of implementation of the said punishment will get over on 30.6.2026.

3. Learned counsel for the applicant submitted that the applicant is already undergoing the punishment of stoppage of increment and he is ready to undergo the said punishment if he can be sent for training for the post of P.S.I. Learned counsel poses a question whether the punishment saddled on the applicant has led to debarring the applicant from promotion.

4. Learned P.O on instructions from Shri Ganesh Gaikwad, Desk Officer, Home Department, and Shri Yogesh S. Kute, Office Superintendent, in the office of Director General of Police, Mumbai, submits that the office of the Director General of Police has taken the view that only after the period of punishment is over the case of the applicant can be considered for sending him for training. For that purpose, the office of Director General of Police has sent proposal to the Respondent-State, Home Department, on 4.1.2024 and 13.2.2024 and no decision is taken on the said file.

5. The case of the applicant needs to be allowed on the following grounds:-

- (i) The applicant was neither facing departmental enquiry nor held guilty and no punishment was imposed when he was

selected for training on 28.8.2023. Therefore, he was held eligible to be sent for training at the relevant time.

- (ii) The Superintendent of Police, Kolhapur had disobeyed the orders passed by this Tribunal on 22.12.2023. Not following the orders passed by this Tribunal is very serious.
- (iii) It is to be noted that the applicant is held guilty in the departmental enquiry for which he is undergoing the punishment. The said punishment may continue, but the same cannot be a hurdle for not sending him for training, as such adverse repercussion of punishment will amount to another punishment.

6. In view of the above, we pass the following order:-

### **ORDER**

- (i) We direct the Secretary, Home Department, Respondent No. 1, Director General of Police, Respondent No. 2, Addl. D.G.P (Training) and Special Units, Mumbai, Respondent No. 3 and the Superintendent of Police, Kolhapur, Respondent No. 4 to send the applicant for training to the post of Police Sub-Inspector in Batch No. 126 to Maharashtra Police Training, Nasik.
- (ii) The training of Batch No. 126 is of one year because it is for 'direct recruits'. However, the applicant shall undergo the entire training of one year as he is going to attend training along with the trainees of direct recruits batch.
- (iii) The Respondents are directed to complete the necessary medical examination and character verification of the

applicant by tomorrow and the applicant should join the training for the post of P.S.I at Maharashtra Police Training Academy, Nasik tomorrow (January 3, 2025) by 7.00 pm.

- (iv) With the above directions, Original Application stands disposed of.

**Sd/-**  
**(A.M Kulkarni)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 02.01.2025**  
**Dictation taken by : A.K. Nair.**