

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO. 148 OF 2019

DISTRICT: PUNE

Shri Sopan Namdev Chaudhary,)
Age 62 years, Retired as Police Inspector,)
R/at Shrinath Krupa, Survey No.151/5, Navyug Soc.)
Magarpatta, Hadapsar, Pune 28.) **....Applicant**

Versus

The Commissioner of Police, for Greater Mumbai,)
Mumbai 25, Dr. Dadabhai Naoroji Road, Police Colony)
Dhobi Talao, Lohar Chawl, Kalbadevi, Mumbai 400 001.) **...Respondent**

Shri K. R. Jagdale, learned Advocate for the Applicant.

Ms N. G. Gohad, learned Presenting Officer for the Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER (J)

DATE : 26.02.2021

JUDGMENT

The Original Application is taken up today for admission wherein the Applicant has prayed for direction to release his retirement benefits with interest which were held up without any justifiable cause.

2. Perusal of record reveals that the Applicant was serving as Police Inspect and was suspended on 07.05.2014 in view of registration of crime under the provisions of Prevention of Corruption Act, 1988.

Signature

3. Later, he was reinstated by order dated 23.04.2017 and stands retired on 30.06.2017. The Applicant was acquitted in Special Case No.55/2015 on 25.03.2019. The Applicant then made various representations to release his retirement benefits but it was not responded.
4. It is on the above background having no alternative, the Applicant has filed present Original Application.
5. When the matter was taken up for admission in the morning session, on request of learned P.O., it was kept in afternoon session so as to take instructions from the Commissioner of Police as to why retirement benefits remain unpaid. In afternoon session, on instruction, learned P.O. submits that the amount of GPF was paid to the Applicant on 23.08.2017 and GIS was paid on 29.07.2017. She further submits that the Provisional pension is being paid till date.
6. Learned P.O. has further tendered the order of Joint Commissioner of Police dated 26.02.2021 which shows that D.E. was initiated and the report of Enquiry Officer was also received. However, it was kept pending till the decision of Criminal Case. Since the Applicant is acquitted in Criminal Case, now belatedly today The Joint Commissioner of Police by order dated 26.02.2021 closed the D.E. and also regularized the period of suspension from 23.04.2014 to 07.04.2017 as a duty period under Rule 22(3)(4) of Maharashtra Civil Services (Joining Time, Foreign Service, and Payments during Suspension, Dismissal and Removal) Rules, 1981 (Hereinafter referred as Rules, 1981).
7. Perusal of order dated 26.02.2021 reveals that the Enquiry Officer had submitted his report on 15.06.2017 but it was kept pending for long time without any justification. The Applicant was acquitted in Criminal Case on 25.03.2019. This being the position, the decision in respect of D.E. ought to have been taken much earlier. Suffice to say, *ex-facie* there is inordinate and undue delay on the part

of Respondent to take appropriate decision which deprives the Applicant to get his retirement benefits within reasonable time. It is only after filing of this O.A., the steps to that effect are taken belatedly.

8. Now, in view of the decision to close D.E. and regularisation of period of suspension, the Commissioner of Police is required to take further steps to release remaining retirement benefits of the Applicant without any further delay.

9. As such, nothing remains for adjudication in Original Application so as to continue the same and it can be disposed of at the stage of admission by giving suitable directions. Hence the following order:-

ORDER

(A) Original Application is disposed of with direction to Respondent No.3-Commissioner of Police to release remaining retirement benefits to the Applicant within a month from today as per Applicant's entitlement and in accordance to rules.

(B) The Applicant is at liberty to avail further legal remedy independently in so far as interest is concerned.

(C) No order as to costs.

Sd/-

(A.P. KURHEKAR)
Member(J)