

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 71 of 2016 (S.B.)**

SUDHIR S/O ASHOK MESHRAM
aged about 42 years, Occ: Service
r/o Gopalnagar 1st lane,
Nagpur 440022

Applicant.

Versus

- 1) THE STATE OF MAHARASHTRA
Through its Additional Chief Secretary,
Home Department having its office at Mantralaya,
Mumbai 400 032.
- 2) Special Inspector General of Police,
Nagpur Range, Nagpur.
- 3) Superintendent of Police, Bhandara.

Respondents.

Shri S.P. Palshikar, Advocate for the applicant.

Shri S.A. Sainis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 16/10/2024.

J U D G M E N T

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was appointed as a Stenographer and he was posted at Bhandara. The Annual Confidential Report (ACR) of the

applicant of the year 2010-2011 was 'A-very good'. In the year 2011-2012, the applicant has received the remark of his ACR 'A- very good'. While the applicant was working as a Stenographer in the office of Deputy Commissioner of Police Zone I, Nagpur City Nagpur he was not having good relation with his superiors, he was having some dispute with Shri Kailash Kanase, Superintendent of Police, Bhandara. It is submitted by the applicant that some adverse remarks were communicated to him as per the report of Superintendent of Police, Bhandara Shri Kailash Kanase. The work of applicant was good and therefore he prayed to direct the respondents to communicate his ACRs for the period from 01/04/2014 to 31/03/2015 to him which were having 'A-very good' remarks in the ACR.

3. The O.A. is strongly opposed by the respondents. It is submitted that the applicant has committed misconduct. The respondents have punished the applicant.

4. During the course of submission, the learned counsel for applicant fairly submitted that this Tribunal has decided the O.A.No.269/2017. This Tribunal has dismissed the said O.A. on the ground that the applicant has committed misconduct. The material observations of this Tribunal in para-5 and 6 are reproduced below –

“5. The applicant submitted his submission. Thereafter, the respondents submitted its submission in support of the charges levelled against the applicant. It was specifically pointed out as under-

“(a) The applicant was not residing at Head Quarter at Bhandara and used to updown from Nagpur.

(b) The applicant used to remain absent at the time of meeting conducted by the Superintendent of Police, though it is his official duty to prepare the minutes of the meeting. The applicant like this remained absent on 09.08.2014 in afternoon session without any prior intimation.

(c) The Superintendent of Police called explanation from the applicant in respect of his absence on 09.08.2014, the applicant failed to file the same.

(d) The SP visited at Kardha Office on 25.03.2014 and at Dighori on 26.03.2014 for taking annual inspection the applicant remained absent.

(e) Notes of inspection of confidential section have not been put up before the SP.

(f) The applicant has not marked on biometric machine while leaving office on 21.03.2014, 28.03.2014 and 03.04.2014. Similarly on 01.04.2014, 02.04.2014, 04.04.2014, 05.04.2014, 07.04.2014, 09.04.2014, 11.04.2014 and 15.04.2014 applicant not marked his attendance while coming and leaving the office. The explanation was called from the applicant, but he failed to give the same.

(g) It has also came to the knowledge that the applicant used to open confidential letters of the SP, Bhandara and used to leak the information thereby breached the confidentiality of the official information.

(h) The applicant tried to damage the CCTV camera by sticking Gum on the lenses, as it was inconvenient for him, and thereby interfered the security system of the office.

(i) The applicant remained absent on the ground of ill health for long time.”

6. The respondent no.3 being Competent Authority to impose punishment, after going through the charges levelled against him the order of stoppage of increment for one year was passed.”

5. The applicant has committed misconduct. He was punished by the respondents. The O.A. which was filed by the applicant against the said order of punishment was dismissed by this Tribunal. Hence, nothing survives in this O.A. Therefore following order –

ORDER

The O.A. is dismissed. No order as to costs.

Dated :- 16/10/2024.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 16/10/2024.