

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.923 of 2018 (S.B.)**

Sandeep son of Vitthal Mupidwar,
Aged about 27 years, Occ.: Service as Police Constable,
resident of Police Quarter at Police Head Quarter, Yavatmal, Tahsil
and District Yavatmal.

Applicant.**Versus**

- 1) The State of Maharashtra,
Through its Secretary, Home Department,
Mantralaya, Mumbai- 440 032.
- 2) Deputy Inspector General of Police,
Maharashtra State, Amravati Region, Amravati.
- 3) Superintendent of Police, Yavatmal,
Tahsil and District Yavatmal.
- 4) Police Station Officer,
Police Station, Pandharkawada,
Tahsil Pandharkawada, District Yavatmal.

Respondents.

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

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

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

Dated :- 07/08/2024.

JUDGMENT

Heard Shri P.S. Wathore, 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 working as a Police Constable. He was posted at head quarter Yavatmal for a period of two months. Thereafter he was posted and attached as a Bodyguard to MLA Shri Kasawar in the year 2013. On 26/05/2015, the applicant was posted at Police Station, Pandharkawada and immediately thereafter he was posted traffic outpost at Bori on 27/06/2015. The applicant was again posted at Police Station, Pandharkawada on 13/01/2016. On 06/03/2016 accident occurred at Chanka Pimpalkhuti, Tah. Pandharkawada, District Yavatmal wherein a vehicle containing animals was involved and Crime no.174/2016 was registered against one accused and one Police Constable Shri Pathan. It is alleged by the respondents that the applicant was also present along with Shri Pathan. The applicant is involved in the crime registered by the Police Station, Bhadrawati. Therefore, departmental inquiry was initiated against the applicant and one Shri Pathan. During the inquiry, it was held that Charge no.2 is proved against the applicant. The respondent no.3, i.e., the Superintendent of Police, Yavatmal has passed the order of stoppage of three increments. The appeal was filed and same was dismissed. Therefore, the applicant approached to this Tribunal challenging the impugned orders dated 06/09/2018 and 17/05/2018.

3. The O.A. is strongly opposed by the respondents. It is submitted that the charges against the applicant are proved and

therefore the applicant is punished for the charges proved against him.

4. Heard learned counsel for the applicant. He has pointed out the proceeding of departmental inquiry. As per his submission, none of the witnesses have stated against the applicant. The main delinquent employee was one Shri Pathan. He was prosecuted for the offence registered by Police Station, Pandharkawada. The applicant was not prosecuted in any Crime eventhough it is held that the applicant was involved in Crime registered by the Police Station, Bhadrawati and therefore punishment imposed by the respondents is not legal and liable to be quashed and set aside.

5. Heard learned P.O. Shri S.A. Sainis. He has submitted that the applicant did not raise any objection. He has accepted the observations in the departmental inquiry and therefore the punishment awarded by the respondents is perfectly legal and correct.

6. I have perused the documents of inquiry. Witnesses have not stated against the applicant directly. Only one witness P.S.I. Shri Santosh Mane has stated that the applicant was present at Patanbori and the applicant was not on duty. Except this, no one has stated against the applicant to show that he was involved in any of the Crime. The respondent has recorded its findings while punishing the applicant as under –

“अपचारी क्र. २ पोशि/११४३ संदीप मुप्पीडवार

यांच्या वरील आरोपा संदर्भात मा. पोलीस अधीक्षक, चंद्रपुर हयांनी दिलेल्या दस्तऐवजी पुरावा व त्यांचे त्याच परीसरामध्ये (पाटण) असलेले वास्तव्य त्याच्या अत्यल्प नौकरीच्या कालावधी मधील त्यांचे आचरण व कार्यशैली गुन्हेगारी वर्तुळातील त्यांचा वावर, त्यांच्या वरील दाखल गंभीर गुन्हे यावरून त्यावरील दोषारोप क्र. २ हा सिध्द झाल्याचे आढळून येते. ”

7. The finding recorded in the impugned order is without any evidence. It is the contention of the respondents that the applicant was not prosecuted by the Police Station, Bhadrawati. In Crime no.489/2016, for the offence punishable under Sections 307,294 and 34 of the I.P.C., the applicant has produced the crime details extract of the Police Station, Bhadrawati. As per this extract, the names of accused Bhagwatising N. Gil, Mohd. Emran W. Kureshi and Mohd. Juber are mentioned. The name of applicant is not in the FIR / charge sheet.

8. It is wrongly observed by the respondents that the applicant was accused in Crime no.489/2016, whereas, the crime detailed extract shows that the applicant is not accused in that crime, therefore, the findings recorded by the respondents that the applicant was one of the accused is prima facie appears to be wrong. In respect of departmental inquiry, the material charges are proved against one Shri Pathan. Only one witness, i.e., P.S.I. Santosh Mane has stated that the applicant was present at Patanbori. In that Crime, the

applicant is shown as a witness and not accused. It is wrongly observed that the applicant was accused in that Crime also. The punishment imposed by the respondents is not perfectly correct. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The impugned order dated 06/09/2018 passed by respondent no.2 and impugned order dated 17/05/2018 passed by respondent no.3 are hereby quashed and set aside.

(iii) No order as to costs.

Dated :- 07/08/2024.

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 P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 07/08/2024.