

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.234/2023(S.B.)**

Mangesh S/o Ananda Lekurwale,
Aged 33 years, Occ. Service,
R/o. C/o. Bhagwan Gawai, behind
Mango Hotel, Near Narhari,
Temple, Mehkar, Tah. Mehkar,
District Buldana.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Additional Chief Secretary,
Home Department,
Mantralaya, Mumbai-32.
- 2) The Director General of Police,
Having its Office Near Regal Theater,
Kolaba, Mumbai.
- 3) The Superintendent of Police,
Buldana, Tah. & Dist. Buldana.

Respondents

Shri S.V.Kulkarni holding for Shri S.D.Chande, Ld. Counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated:- 19th June, 2024.

JUDGMENT

Judgment is reserved on 14th June, 2024.

Judgment is pronounced on 19th June, 2024.

Heard Shri S.V.Kulkarni holding for Shri S.D.Chande, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the respondents.

2. In this O.A. the applicant has challenged order dated 07.10.2022 (Annexure A-2) passed by respondent no.3 placing him under suspension. This order is revoked by respondent no.3 by order dated 23.05.2023 (at P.60).

3. It was submitted by learned P.O. Shri A.M.Khadatkar that since the impugned order of suspension is revoked, nothing survives in the O.A.. Contention of learned Advocate for the applicant, on the other hand, is that the impugned order is bad in law and the same be declared to be so.

4. It was pointed out by P.O. that the impugned order was based on default report dated 27.09.2022 (at PP. 57 to 59) submitted by S.D.P.O., Malkapur. This submission is supported by record. Annexure R-3-2 shows that on the basis of default report dated 27.09.2022 respondent no.3 directed initiation of preliminary enquiry against the

applicant. Annexure R-3-1 is report of preliminary enquiry dated 15.04.2023 indicting the applicant.

5. On 23.05.2023 order of suspension of the applicant was revoked by respondent no.3. This order refers to the following –

विषय :- निलंबनातुन मुक्त करणेबाबत...

संदर्भ:-१.निलंबन आदेश जा.क्र.पोअबु / विचौ / २५ क/पी

६७/कसुरी/निलंबन/पोकाँ-३९२/१४८५२/ २०२२ दि. ०७/१०/२०२२.

२. प्राथमीक चौकशी आदेश क्र.पोअबु/विचौ/पी-६७/कसुरी/प्रा.चौ आदेश/पोकाँ-३९२/१४८५१/ २०२२ दि. ०७/१०/२०२२

३. पोस्टे जळगाव जामोद प्रा. चौ/पोकाँ लेकरवाळे ३९२/८४८/२०२२ दि. १५/०४/२०२३.

४.पोअबु/विचौ/पी६७(१)/प्राची/नि.पोकाँ-३९२/कादानो/७०२९/२०२३ दि.०८/०५/२०२३.

५. निलंबन आढावा बैठक दि. १९/०५/२०२३

This order further states-

ज्याअर्थी तुम्ही पोलीस अमंलदार पोका/३९२ मंगेश लेकरवाळे, उपरोक्त नैतिक अधःपतनाचे गैरकृत्य केल्या संदर्भात शासन सेवेतुन संदर्भ क्रमांक १ अन्वये शासकीय सेवेतून निलंबित करण्यात आले आहे.

ज्याअर्थी तुम्ही पोलीस, अमंलदार पोका/३९२ मंगेश लेकरवाळे, तुम्ही केलेल्या कसुरीचे अनुषंगाने संदर्भ क्रमांक २ अन्वये प्राथमीक चौकशी आदेशीत करण्यांत आलेली आहे.

ज्याअर्थी तुम्ही पोलीस अमंलदार पोका/ ३९२ मंगेश लेकरवाळे, तुमचा संदर्भ क्रमांक ३ अन्वये प्राथमीक चौकशी अहवाल प्राप्त झालेला आहे.

ज्याअर्थी तुम्ही पोका ३९२ मंगेश लेकुरवाळे, तुम्हाला संदर्भ क्रमांक ४ अन्वये पुढील देय वार्षिक वेतनवाढ एक वर्ष (१) का रोखण्यांत येवु नये म्हणुन कारणे दाखवा नोटीस देण्यांत आलेली आहे.

त्याअर्थी तुम्ही पोलीस अमलदार पोका/३९२ मंगेश लेकुरवाळे, तुम्हाला निलंबनातुन मुक्त करण्यांत येवुन तुम्हाला सदर आदेश प्राप्त झाल्याचे दिनांकापासुन निलंबनातुन मुक्त करण्यांत येवुन तुमची नेमणुक पो.स्टे. सोनाळा येथे करण्यात येत आहे.

6. It was submitted by Advocate Shri S.V.Kulkarni for the applicant that written rebuttal of various charges laid against the applicant (Annexure A-3) will show that the impugned order was actuated by malafides. The grounds of rebuttal mentioned in Annexure A-3 which are questions of facts do not lead to the conclusion that the impugned order placing the applicant under suspension is bad in law. The impugned order shows that it was passed under Rule 3(1-A) of the Bombay Police (Punishment & Appeals) Rules, 1956. There is absolutely nothing to show that said order suffers from any legal infirmity. In the result, the O.A. is dismissed with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 19/06/2024
rsm.

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Member (J).
Judgment signed on : 19/06/2024.
and pronounced on
Uploaded on : 20/06/2024.