

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6499 OF 2004

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| 1. The State of Maharashtra
Through its Secretary,
Home Affairs, Government
of Maharashtra, Mantralaya,
Mumbai | ...PETITIONERS
(Ori. Respondents) |
| 2. The Director General of Police,
M.S. Mumbai | |
| 3. The Dy. Inspector General of Police,
Aurangabad Range,
Aurangabad | |
| 4. The Superintendent of Police (Rural)
Aurangabad | |

VERSUS

- | | |
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| 1. Magan Bhaurao Nikalge,
Age-40 years,
R/o.1218, Phule Nagar,
Osmanpura, Aurangabad | ...RESPONDENTS
(Ori.Applicant) |
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Mr.S.D.Kaldate, AGP for the Petitioner Ori. Respondents/
State.

Mr.Y.P.Deshmukh h/f Pradeep Deshmukh, Advocate for sole
respondent Ori. Applicant.

**CORAM : A.V.NIRGUDE &
V.K.JADHAV, JJ.
DATED : 09.10.2015**

ORAL JUDGMENT [PER: A.V.NIRGUDE, J.]

1. Heard.

2. The facts leading to this litigation can be stated as under:-

3. This petition challenges judgment and order dated 11.07.2003, passed by learned Members of Maharashtra Administrative Tribunal, directing reinstatement of the respondent.

4. The respondent was working as a Police Constable since 1984. On 15.07.1986, his services were terminated. The ground given for termination was that the respondent's services were no longer required. The petitioner challenged this termination order before the Appropriate Authorities, namely, D.I.G., Aurangabad and the Government of Maharashtra, but in vain. As against this, the respondent went to Maharashtra Administrative Tribunal for his reinstatement. The Maharashtra Administrative Tribunal appreciated the case of the respondent.

5. The Maharashtra Administrative Tribunal also took into account policy of 1994. The Government of Maharashtra changed its policy in respect of termination, but it was held that such change, which took place in 1994, will not apply to the facts of this case.

6. The facts in short can be stated as under:-

In 1981, an incidence of murder reported to Kranti Chowk Police Station, Aurangabad. Several peoples were arrested thereafter and were tried. The applicant was not arrested after the offence was registered in 1981. He was not arrested till 1986.

7. After he became Constable in 1984, he continued his work, but, as said above, in 1986 he was arrested in connection with the case of murder. The impugned order was passed in 1986. His services were terminated. In due course of time, in 1988, the Sessions Court recorded his acquittal for the respondent. It is thereafter the petitioner sought reinstatement in the light of the policy of the Government. The policies in the Government Resolutions dated 13.06.1988 and 28.02.1989 are squarely applicable to the case of the respondent and he ought to have been reinstated in service. This was done ultimately by the impugned order of Tribunal. We found no error in

the impugned order. The petition deserves to be dismissed.

8. The petition stands disposed of. Rule discharged.

[V.K.JADHAV, J.]

[A.V. NIRGUDE, J.]