

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4475/2015

(MAROTI DEVAJI MESHARAM **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.R. Rupnarayan, counsel for the petitioner.
Shri D.B. Patel, A.G.P. for the R-1 to 3.

**CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.**

DATE : SEPTEMBER 9, 2015.

By this petition, the petitioner impugns the order of the Maharashtra Administrative Tribunal, Nagpur dated 02.02.2015 dismissing an original application filed by the petitioner and holding that the order of punishment dated 09.11.2009, withholding one increment of the petitioner for one year was proper.

At the relevant time in September-October, 2009, the petitioner was working as a Police Sub-Inspector in Sitabuldi Police Station. There was a quarrel between two rival groups in Buldi on 14.07.2009 and they were prosecuted under Section 160 of the Indian Penal Code. One of the groups had filed a complaint case in the Court and the learned Magistrate had directed, by an order dated 11.09.2009 to investigate the matter and submit the report before 01.10.2009. Though the order was communicated to the Sitabuldi Police Station on 15.09.2009, no steps were taken in the matter and on 12.10.2009, a riot took place between two rival groups and one person was killed and another was seriously injured.

According to the respondents, if the petitioner would have investigated the matter, the incident of riot dated 12.10.2009 could have been avoided. Since it was found that the petitioner had been negligent in performing his duties and had not followed the orders of the Court, the petitioner was charge-sheeted and was

punished. The respondents, by an order dated 09.11.2009, directed that one increment of the petitioner should be withheld for one year. Being aggrieved by the order of the respondents, the petitioner approached the Maharashtra Administrative Tribunal. However, the original application filed by the petitioner was dismissed.

On hearing the learned counsel for the parties, it appears that there is no scope for interference with the impugned order, in exercise of the writ jurisdiction. The Tribunal found that the punishment imposed upon the petitioner was based on sufficient material on record. The defence of the petitioner was not acceptable to the disciplinary authority as well as the Tribunal. The Tribunal found that the petitioner could not have shirked his responsibility and blamed Shri Rajput, specially when the petitioner was directed to conduct an enquiry in the matter by a specific order. The Tribunal found that there was nothing on record to show that the petitioner had received the papers belatedly and, therefore, he could not have raised the defence. In view of the limited scope for interference with the order passed by the disciplinary authority, the Tribunal rightly dismissed the original application filed by the petitioner and upheld the minor penalty imposed on the petitioner.

Since the order of the Tribunal is just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

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