

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3154 OF 2016

Aijaz Khan S/o Hamid Khan Pathan

..vs..

State of Maharashtra, through its Secretary, Home Department, Mantralaya, Mumbai-400032 and ors

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

Court's or Judge's Order

Shri A.A. Naik, counsel for the petitioner.

**CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.**

DATED : JULY 12, 2016.

Heard.

The Maharashtra Administrative Tribunal has relied upon the statements in handwriting of the petitioner and his colleagues to conclude that finding of guilt recorded by the enquiry officer is not perverse.

Effort before this Court is to demonstrate that complainant Golhar was not examined as prosecution witness and within two weeks of the incidence, the petitioner and his colleagues had submitted in writing to higher authorities that their statements were dictated and it was given as directed by the superiors.

It is no doubt correct that on 27.12.2004, the petitioner along with his four colleagues have made

grievance on these lines to Special Inspector General of Police. However, during departmental enquiry, no such case has been made out. Effort was to demonstrate that the signatures were obtained on blank paper. The signatures on blank paper and statement in own handwriting stand on totally different pedestal.

Though complainant Golhar was not examined, it appears that delinquent has examined him in defence.

In this situation, reliance upon statements of charge-sheeted employees by the enquiry officer cannot be said to be erroneous or misconceived.

Considering the nature of service, we do not find anything wrong with approach of the Maharashtra Administrative Tribunal. No case is made out. The writ petition is dismissed. No costs.

JUDGE

JUDGE

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