

Annex-'B'

Received on : 18/1/1991.
 Registered on : 18/1/1991.
 Decided on : 26/4/2001.
 Duration : 10 3 m. 0 s

IN THE COURT OF THE SPECIAL JUDGE OF NASHIK.

AT NASHIK

(Before P.B.Patil, Esquire)

Special Case No.1 of 1991

The State of Maharashtra
 Through the 2 Anti Corruption
 Bureau, Nashik Dist. Nashik .. Complainant

Versus

Dilip Madhavrao Chaukhande,
 age 46 yrs, occ-Service,
 Sub-Regional Officer,
 Maharashtra Pollution Control
 Board, Nashik Dist. Nashik. .. Accused

Shri Mane P.P. for the complainant State.

Shri Mahadevan Advocate for the accused.

J U D G M E N T

(Delivered on 26 th April 2001)

The accused in the dock has been prosecuted
 of the offence punishable u/s. 7 and 13 (1) (d) r/w.13(2)
 of the Prevention of Corruption Act, 1988. The
 prosecution case in short is as under:-

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2) The accused was working as Sub-Regional Officer Maharashtra Pollution Control Board (M.P.C.B.) in the Year 1988 to 1990. The complainant Shevde is the owner of Electro-Plating Factory at Satpur, in which the Effluent Treatment plant is necessary. The said plant has been installed in the complainant's factory since last 10 years but it was old, so before one year a new plant was prepared. The complainant required permission of the accused for the said new plant and he made application to that effect on 29/9/88. The accused paid visit to the complainant's factory on 20/1/89 and issued letter to the complainant to which he replied on 11/2/89. The accused paid frequent visits to the complainant's factory and suggested the Compl. to see him. He again issued him a letter on 28/2/90 pointing out certain defects in the new plant. The complainant replied on 13/3/90 a to do compliance. He met the accused with this reply and that time the accused demanded Rs.5000/ to Rs.7000/- for issuing permission. On 2nd and 3rd April 1990 the accused again visited the complainant's factory and threatened the complt. to close it as Effluent Treatment plant was not started. On 9/4/90 at 5.00 p.m. the complt. met the accused in the office and he repeated the demand and gave concession to pay it by instalment of Rs.1000/. He warned the complainant to pay first instalment on 10/4/90. The complainant was annoyed of this illegal demand so he went to the A.C.B. office on 10/4/90 and lodged the complaint (Exh.27).

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3) The A.C.B.officer Dy.S.P.Chavan collected two panchas Narayan Patil and Harshatkumar Shah from the Assistant Engineer office Palkhed Irrigation Nashik Division. They were introduced with the complainant and his complaint was given to them for reading. They verified the complaint from the oral narration of the complainant. Dy.S.P.Chavan showed demonstration of Ultra-violet (U.V.) light and Anthracene powder. The complainant produced 20 notes of Rs.50/- denomination and their numbers were noted down. They were smeared with Anthracene powder and they were kept in his left side chest pocket with instruction to pay the amount to the accused on demand. Panch Patil was instructed to remain with the complainant and to listen the talk between complainant and accused and watch the events while panch Shah was instructed to remain with the raiding party. Dy.S.P.Chavan prepared pre-trap panchanama (Exh.30). The complainant and panch Patil proceeded to the office of the accused, at about 6.00 p.m. The accused was not present. The accused made a phone to his office informing about failure of his motor-cycle and asking to call the visitors tomorrow. The complainant and panch Patil returned to the A.C.B.officers and then the trap was withdrawn (Exh.31). The smeared amount was exchanged to the complainant.

Dy.S.P.Chaven instructed the complainant and panchas to come in the A.C.B.office at 9.00 a.m.on 11.4.90 and accordingly they arrived there. The same demonstration was shown and instructions were issued. The complainant produced 10 notes of Rs.100/- denomination and their numbers were noted down and after smearing those notes with Anthracene powder they were kept in the left side chest pocket of his shirt with instructions to go to the office of the accused and pay him the amount on demand and to give signal by folding right sleeve by means of left hand. Dy.S.P.Chaven prepared second pre-trap panchanama (Exh.32) and all of them left A.C.B.office at 11.10 a.m.The complainant and panch Patil proceeded first while remaining raiding party followed them keeping a distance. They reached the office of the accused at at 11.15 a.m. and accused was sitting in his cabin. He instructed them to sit in front of him. The complainant asked about the work and accused instructed him to do something. The complainant paid the tainted amount to the accused and he accepted it. The complainant gave signal as decided,there by raiding party came there and they caught the accused. The raiding party introduced itself to the accused and showed their person in U.V.light but shining was not found. Then the person of the accused was see in U.V.light and shining was found to his left hand fingers as well as to the left side pocket of the pant. The tainted amount was taken out by panch Shah and it was also found shining in U.V.light. On verification it was found to be the same amount

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mentioned in the pre-trap panchanama and so it was seized and sealed in the envelop. The pant of the accused was also seized and sealed in another envelop. The complainant was called inside as he was kept outside. His search was taken in the C.V.light and shining was found to his right hand fingers as well as to the left side chest pocket of his shirt. Dy.S.P.Chavan prepared trap panchanama Exh.33, and supplied it's copy to the accused. Then they went to the A.C.S.office and prepared post-trap panchanama of box of Anthracene powder (Exh.34). Dy. S.P.Chavan lodged complaint against the accused in Chedrakali Police Station (Exh.40). Crime no.201/90 was registered and he himself started the investigation. He recorded statements of the complainant, panchas and other persons from time to time. He got prepared map of scene of offence (Exh.41). The accused produced file of the complainant's case (article No.2) and it was seized by Dy.S.P.Chavan. He forwarded report and copies of papers of investigation to the Director, A.C.S. Bombay for sanction. The same were forwarded to the Chairman, S.P.C. Bombay Shri C.D.Donmashan. He accorded sanction to prosecute the accused on 29/12/90 (Exh.35). Thereafter Dy.S.P.Chavan submitted charge-sheet against the accused on 11/1/91.

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4) My learned predecessor Shri M.S.M. Bhatnagar framed Charge against the accused u/s. 7 and 13(1)(a) r/w. 13(2) of the Prevention of Corruption Act, 1988 vide Exh.9. It was read over and explained to him in vernacular to which he pleaded not guilty vide Exh.10. He has taken defence of total denial. According to him he has been falsely implicated in this case. As against this, the learned P.P. Shri Bane pressed for the conviction of the accused alleging that there is sufficient evidence to prove his guilt.

5) In view of the Charge framed against the accused, the following points arise for my determination and I have recorded my findings against each of them for the reasons stated below:-

<u>Points</u>	<u>Findings</u>
1. Does prosecution prove that the accused being public servant attempted to obtain Rs.5000/- to Rs7000/- for himself from the complainant Mr. Chevde, gratification other than legal remuneration as a motive or reward for according permission to commence Effluent Treatment plant in the complt's factory ?(u/s.7 of the Prevention of Corruption Act, 1988)	.. No.

2. Does prosecution prove that the .. No.
accused being public servant
obtained or accepted Rs.1000/-
for himself gratification other
than legal remuneration from
the complainant as a motive or
reward for according permission
to commence Effluent Treatment
plan in the complt.'s factory ?
(u/s. 7 of the Prevention of
the Corruption Act,1988).
3. Does prosecution prove that the .. No.
accused being public servant
obtained for himself from the
complainant Rs.1000/- as a
pecuniary advantage by corrupt
or illegal means and by abusing
his position as a public servant?
(u/s. 13(1) (d)r/w.13(2)of the
Prevention of Corruption Act,
1988).
4. What order ? .. The accused
is acquitted.

R E A S O N S

6. In order to bring home the guilt of the
accused, the prosecution has examined the complt.
P.W. 1 Shinde (Exh.26), panch P.W.2 Satil (Exh.29),
sanctioning authority P.W.3 Jain (Exh.30) and the
raiding officer P.W.4 Dy.C.S. Chavan (Exh.39).
7. It is admitted fact that complainant runs
a factory of electric wires by the name M.I.L. Co. Mumbai
since 1970. It is also admitted that

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was Sub-Regional Officer, Maharashtra Pollution Control Board (M.P.C.B.) at Nashik having jurisdiction over all the factories at Satpur M.I.D.C. Nashik. It is also admitted fact that Effluent Treatment plant is required to be installed in the factory and it's permission is to be renewed from year to year which is to be granted by the office of the accused.

6. The evidence of the complt. P.w.1 Shevde shows that in his factory Effluent Treatment plant was installed but no permission was accorded by the office of the accused and so he wrote a letter to the M.P.C.B. in the year 1988 as well as 1989. According to him on 13/3/90 he met the accused with the letter and accused asked him to pay Rs.5000/- to Rs.7000/- for the purpose of granting permission. The complt's evidence further shows that in April 1990 the accused visited his factory and warned him to close it as Effluent Treatment plant was not installed. Thereafter according to the complainant he went to the office of the accused and he again demanded the amount for giving permission and after negotiations he agreed to receive the amount by instalment of Rs.1000/- and first instalment was to be paid immediately on 10/4/90. The complainant's evidence further shows that he was not ready to pay any amount to the accused so on 10/4/90 he lodged the complaint in A.C.B. office as per Exh.27 and produced the relevant documents (Exh.13 to 20). The complainant's evidence on the point of lodging complaint in A.C.B. office as per

Exh.27 is supported by P.W.4 Dy.S.P.Chavan who recorded it as per his narration.

9. The evidence of the complainant and P.W.4 Dy.S.P.Chavan further shows that two panchas namely Narayan Patil and Harshatkumar Shah were collected from the office of the Assistant Engineer, Palkhed Irrigation, Nasik and the pre-trap panchanama (Exh.30) was drawn as a first step of the trap. The defence has not much disputed this pre-trap panchanama. Moreover it is proved by the evidence of P.W. 2 Patil and P.W. 4 Dy.S.P.Chavan. So this proved document coupled with the evidence of both these witnesses show that panchas were introduced with the complainant and they listened his complaint and signed on Exh.27. It further shows that the demonstration of Ultra-Violet (U.V.) lamp and Anthracene powder was shown and the complt. produced 20 notes of Rs.50/- denomination. Their numbers were noted and they were smeared with the Anthracene powder and kept in the left side chest pocket of complt's shirt. It also shows that the complainant and panchas were instructed that the complainant should go to the office of the accused along with panch Patil and to pay the amount on his demand and to give signal by folding right sleeve by means of left hand. Thereafter their evidence shows that the complt. and panch Patil went to the office of the

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accused but he was not available and there was message of his coming on the next day, so the trap was withdrawn under panchanama Exn.31.

10. The evidence of complt. as well as panch Patil and Dy. S.P. Chavan shows that on 11.4.90, second pre-trap panchanama was prepared as a per Exn.32 and this time same instructions were repeated and some demonstration was shown. According to them, the complt. produced 10 notes of Rs.100/- denomination and after noting down their numbers, they were smeared with Anthra-cene powder and kept in the left side chest pocket of complt's shirt with similar instructions to pay the amount to the accused on his demand by going to his office along with panch Patil and to give signal. Their evidence further shows that after preparation of second pre-trap panchanama Exn.32, they proceeded for the trap.

11) The evidence of the witnesses shows that the complt. Shevde and panch Patil went to the office of the accused on 11/4/90 at 11.25 a.m. According to them, when they entered the cabin of the accused, the complt. talked about the work and told that he had brought the amount as stated and whether he should pay it. They have deposed that the accused eagerly stated that he should pay the amount at once and thereafter the complt. took out the tainted amount of Rs.1000/- by his right hand but he could take out only part of the amount and he kept it on the table and second time he took out the remaining

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amount and kept it also on the table whereby the accused collected the entire amount by his left hand and he kept it in the left side pocket of his pant. According to the complainant he went outside on the pretext of drinking water and gave signal as decided whereby the raiding party came there.

12. The evidence of the prosecution witnesses shows that the raiding party introduced themselves to the accused and then their examination was given in the U.V.light but shining was not found and after examination of the accused in the U.V. light, shining was found to the fingers of his left hand as well as left side pocket of his pant. According to the evidence of the prosecution witnesses the tainted amount was taken out by panch Shah from the left side pocket of the pant of the accused and on verification it was found to be the same amount which was smeared with Anthracene powder. According to them the portion of the table was also seen and there was shining on it in the U.V.light. The evidence also shows that the tainted amount was seized and sealed in an envelope. Thereafter according to the witnesses the complainant who was kept outside by this time was called inside and on his examination in the U.V.light, shining was found to the fingers of his right hand as well as to the left side chest pocket of his shirt.

The version of the prosecution witnesses on the point of trap is supported by the trap panchanama Exh.33 which bears signature of the accused in token of receipt of it's copy.

13. The post trap panchanama Exh.34 is also proved by the panch Patil and Dy.S.P.Chavan which was prepared in the A.C.B.office in respect of the box of Anthracene powder.

14. Dy.S.P.Chavan after completing the trap, lodged the complaint in Bhadrakali Police station whereon crime no.281/90 was registered and he himself started the investigation.

15. As regards the first objection by the defence about making investigation by the complainant i.e. Dy.S.P.Chavan, a ruling reported as Kesha Singh V/State of Haryana, A.I.R.1995 Supreme Court 2339 has been relied. In this ruling it was held that the police officer who lodged the complaint should not have proceeded with the investigation of the offence. In the instant case also, Dy.S.P.Chavan lodged the complaint in the police station as per Exh.40 whereon crime was registered and so in real sense Dy.S.P.Chavan is the complainant in the case. Compt.Chavde also lodged complaint in the A.C.B.office but it was just an information against the accused and the crime was not registered on that basis. So the complainant was in the real sense an informant, so making investigation by the complainant himself who lodged the

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complaint is the lacuna in the present case.

16. In every prosecution under the Prevention of Corruption Act, giving of sanction is the condition precedent because without such sanction to be accorded u/s. 19, the Court can not take cognizance of the offence. The sanction in this case is produced by the prosecution at Exh.36 which seems to have been accorded by late C.D. Commachen, who was the Chairman of the M.P.C. Board, Maharashtra State, Bombay. He is admittedly not alive and therefore the sanction was sought to be proved by examining the Assistant Law Officer P.M. 3 Jain (Exh.35). According to this witness the papers of investigation were received by Board from the A.C.B. office and there was draft sanction accompanied with the said papers. He has deposed that there was meeting of the Board on 1.12.90 and topic of issuance of the sanction was kept in that meeting and it was discussed and consent was given for the issuance of sanction. He has also deposed that thereafter the draft sanction was opened and by making necessary changes in it, it was placed before the Chairman, who approved it and put the signature (Exh.35). It should be noted that the sanction as required u/s. 19 of the Prevention of Corruption Act is to be accorded by the authority who can remove the Govt. Servant from the service P.M. 3 Jain has admitted that the Board is empowered

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to appoint as well as remove the Sub-Regional Officer of M.C.B. The accused is also Sub-Regional Officer and so in view of this admission, he cannot be removed by the Chairman in his personal capacity but can be removed only by the resolution passed by the Board. At this juncture we have to refer the Annexure-I attached to the Rules framed under the Maharashtra Water (Prevention and control of Pollution) Rules, 1963 which refer rule 23(2). These rules speak about the administrative powers and the duties of the Chairman of the Board. At Sr.No.8 the Chairman has been given full power to remove the employees of the Board other than the Officer. In the instant case the accused is not the employee but he is officer and so he is not removable by the Chairman, so he is removable by the Board and there should be a resolution to that effect. P.W. 3 Jain has admitted that every order of the Board is to be passed by the resolution and such topic is to be taken on the agenda of the meeting and it is to be confirmed in the second meeting. He has also admitted that every decision and order taken by the board and instructions issued by the Board are to be authenticated by the Member-Secretary. This is laid down in Annexure-II of the above rules. It means that for the removal of the Sub-Regional Officer, the resolution passed by the Board is required and it is to be authenticated by the Member-Secretary and not by the Chairman. In the instant case as the

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Board has not taken any resolution about according of sanction because this fact is admitted by P.W. 3 Jain. He has admitted that the topic of issuance of sanction to prosecute the accused was not the agenda of meeting of 1.12.90 but there was different topic of his reinstatement because he has crossed the period of his six months suspension. According to the Mr.Jain the resolutions passed by the board in the meeting become absolute and enforceable after it's confirmation in the next meeting. He has admitted in clear terms that the Chairman has no authority to remove the officer of the Board and there was no resolution of the board about issuance of sanction on 21.12.90, i.e. on the date of issuance of sanction Exh. 36. This means that in the meeting of 1.12.90 and also on the date of Exh. 36 dt.21.12.90 the topic of sanction was not on the agenda of the meeting of the Board nor there was resolution about issuing sanction to prosecute the accused. P.W. 3 Jain has further admitted that he could not tell whether he was present in the meeting or not nor he could tell the nature of the discussion made in the meeting. As such it is clear that there is no evidence as to what sort of documents were perused in the meeting and also by the Chairman while according sanction. As P.W.3 Jain was not present in the meeting he has no personal knowledge as to what was discussed

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with application of mind. In such circumstances it can not be said that so-called sanction issued by the Chairman as per Exh. 36 is a legal and valid sanction. Moreover the sanction Exh.36 nowhere speaks that it was accorded in consequence of the resolution passed in the board meeting. If it was the resolution of the board, then it ought to have been authenticated by the Member-Secretary and not by the Chairman. The copy of the resolution dtd. 1.12.90 is not placed on record nor the minutes of the next meeting which held in Feb.1991 are produced before the court. So considering all these aspects I hold that the Chairman as a person is not empowered to accord sanction to prosecute the accused. There is no evidence to show that the Board had decided to accord sanction and it was accordingly granted. So the sanction Exh. 36 issued by Late Mr. Comaschan is not legal and valid and the prosecution against the accused is not maintainable. This is material lacuna in the prosecution case and it vitiates the entire trial. I rely on Raghubir Singh V/s. State A.I.R. 1974 Supreme Court, 1516 which says that infirmity in sanction fails the prosecution. All the same we shall decide the other aspects of the evidence also

17) At the outset it is to be noted that the complaint Exh.27 lodged by complt. Showde is dated 10.4.90 in which the incident of demand was narrated referring the date 13.3.90. So though there was demand from 13.3.90 the complainant did not take any action nor he lodged any complaint in A.C.B. office immediately thereafter. He seems to have lodged the complaint in A.C.B. office after one month. This reflects upon his conduct and credibility. Secondly the exact amount of demand is not where narrated by the complainant in his complaint Exh. 27 or even in his evidence. According to him it was demand of Rs.5000/- to Rs.7000/-, however he could not tell what was the exact demand made by the accused. So such type of vague demand also speaks negative against prosecution. Another aspect is that whether E.F.plant was in existence. P.W. 4 Dy.S.P.Chavan has admitted that there is no reason is accord permission for the non-existing Effluent treatment plan. It follows that if Effluent treatment plan is not existing, then there is no question of grant of permission to renew it. In the light of this admission we have to refer the complainant's own admission, who has admitted in cross-examination that Effluent treatment plan was not existing in his factory from 1977 to 13.3.90. As such when Effluent treatment plan was not existing at all, then complainant's theory that accused demanded amount for that also becomes unreliable.

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18) The complainant has stated that when he and panch Patil entered the cabin of the accused on the date of trap i.e. 11.4.90, he talked about work and told that he had brought amount as per his say and whether he should pay it to which accused told that he should pay it immediately. This version of the complainant is not supported by panch Patil because complainant himself has admitted that when he and panch Patil had been in the cabin of the accused, panch Patil picked up newspaper and he started reading it. This means that Patil had no attention as to what talk between accused and complt. was going on. Naturally, it can not be said that panch Patil has supported the complainant's version. It is established that the complainant is an interested witness so unless his testimony is corroborated on material points, it cannot be accepted. I keep reliance on Jaswat Singh V/S. State of Punjab, A.I.R. 1973 S.C. 707. I also rely on Raghuvir Singh V/S. State A.I.R. 1974 S.C. 1515 which says that in a bribery case the payer's testimony carries little conviction in the absence of re-assuring support. In the present case though panch Patil has tried to say that he listened the talk between the accused and complainant, in fact he was reading the newspaper and so it can not be 100% believed that he had occasion to listen the talk. Naturally the complt's testimony on the point of demand made by the accused remains unsupported by the panch witness and so it can not be accepted.

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19) The another material aspect is recovery of pant of the accused. According to the prosecution Anthracene powder was found to the left side pocket of the pant of the accused. It was seized by Dy.S.P. Chavan under trap panchanama Exh.33. The pant article no. 2 before the court is gray in colour and same fact is mentioned in trap panchanama Exh. 33. However in the evidence of the complt. Shende he has stated that the pant of the accused was brown in colour. P.W. 4 Dy.S.P.Chavan has also stated that it was a brown pant. There is certainly a vast difference between a gray colour and a brown colour. As such both material witnesses have stated contradictory colour of the pant and this fact also throws dust of doubt on the prosecution case. The tainted amount was allegedly taken out by second panch shah from the left side pocket of the pant of the accused. So as to prove this fact panch shah has not been examined nor his hands were seen in the U.V. light so as to verify whether Anthracene powder was seen to his hands. There is no mention in the trap panchanama Exh. 33 that hands of shah were seen in the U.V.light and shining was found to his fingers. So fact of taking out the tainted amount from the pant of the accused by shah seems to be doubtful. So from the above said glaring defects in the prosecution evidence we can find that it is highly improbable to demand illegal

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gratification from the complt. and also for the complt. to pay the same to him. This is because the Efficient Treatment plan was not actually existing in his factory, so there was no question of granting permission to renew it. Secondly even if we accept that the powdered amount was found in the left side pocket of the pant of the accused in view of the shining of Antarcene powder found on his left hand fingers, such type of recovery itself is not sufficient to prove his guilt and this has been held in Yeshwant Nanubhai Pingle V/S, State of Maharashtra 1999 Cr.L.J. 1270 (Bom.High Court) wherein it was held that :-

" Mere recovery of powdered currency notes from accused cannot be considered as a circumstance pointing to guilt of accused, nor any presumption can be drawn u/s.20 of the Prevention of Corruption Act on the ground of finding of such powdered currency notes.

In this connection I rely on Mohmoodkhan Mehboobkhan Pathan V/S, State of Maharashtra 1997(1) Crimes 126 (SC) in which it was held that :-

" Unless prosecution prove that the money paid was towards any lawful collection or legal remuneration the Court can not take recourse to presumption of law, contemplated u/s. 4(1) of the Prevention of Corruption Act, 1947 though Court is not precluded from drawing proper presumption u/s. 114 of the Evidence Act."

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In the present case there is no scope to raise such presumption because of the glaring defects in the prosecution case as well as invalid sanction. Therefore the prosecution against the accused is not sustainable either u/s. 7 or u/s. 13(1) (d) r/w. 13 (2) of the Prevention of the Corruption Act, 1988. Hence the following order.

: O R D E R :

- 1) The accused Dilip Madhavrao Chaukhande is acquitted of the offence punishable u/s. 7 and 13 (1) (d) r/w. 13(2) of the Prevention of Corruption Act, 1988.
- 2) His bail bonds are cancelled.
- 3) The cash amount of Rs.1000/- be returned to the complt. Shri. Lokesh Kamalakar Shevde r/ Gangapur Road, Dagonza Colony, Chaligram Apartment, Nashik, File article no.3 be returned to the M.P.C.B. Nashik while part article no.2 being useless be destroyed after appeal period is over.

dt. 26/4/2001.

Sd/-
(P. S. Patil)
Special Judge, Nashik.

ANNEXURE-F1 (Collectively)

Dt. 8/5/01

To,

The Member Secretary
NPC Board
Mumbai.

Sub : Promotion to the post of Regional Officer.

R/Sir,

This is to inform you that the court case against the undersigned at District Court Nasik was for judgment on dt. 26.4.01 and I was acquitted. However, the certified copy of judgment will be submitted shortly.

According to the rules, as I am acquitted in the court case, my claim for promotion to the post of Regional Officer with retrospective effect and maintaining the seniority should be kindly considered on priority.

Similarly the held up increment and the pending salary dues are requested to be settled at the earliest, with the necessary pay fixation.

Thanking you,

Yours sincerely,

sl/-

(D. M. Chaukhande)
Sut Regional Officer
Pimpri-Chinchwad Pune

Copy submitted to

The Administrative Officer, NPC Board, Lion, Mumbai.

// TRUE COPY //

Advocate

ANNEXURE F2(Collectively)

MAHARASHTRA POLLUTION CONTROL BOARD

SUB-REGIONAL OFFICE, PIMPRI-CHINCHWAD

1st Floor, MSFC Bldg.
Sanapati Bapat Marg,
Pune-411016.

SRPC/419

DATE - 14.05.2001

To,

The Member Secretary
MPC Board,
Mumbai.Sub : promotion to the post of Regional Officer.
Ref : My earlier letter Dated 8.05.2001.

R/sir,

Please find submitted herewith the certified copy of the Court order (Judgment) delivered by the Court of the Special Judge of Nasik, at Nasik on 26th April, 2001, whereby the undersigned was acquitted by the Court.

In view of above, I hereby submit my Request application. Now, according to the rules, as I am acquitted in the above mentioned Court case, my claim for promotion to the post of Regional Officer with the deemed effect thereby maintaining the order of seniority is requested to be kindly considered on priority.

I also request the authorities to release the held up increments since 11.04.1990 and the dues of salary arrears should be settled at the earliest and kindly oblige.

Thanking you,

Yours sincerely,

si/-

(D.M. Chauhan)
Sub Regional Officer,
Pimpri-Chinchwad (Pune)

Encl: Certified copy of Court Order.

Copy respectfully submitted to
The Hon'ble Chairman, MPC Board, Mumbai.

// TRUE COPY //

ANNEXURE P3(Collectively)

Nagpur,
Date 18th March, 2002

To,
The Member Secretary,
M.P.C. Board,
Mumbai.

Sub: Promotion to the post of Regional Officer.
Ref: My earlier request letter of May 2001.

Respected Sir,

I, the undersigned is working on the post of Sub Regional Officer since 1984 and having the experience on this post for a total period of 17 years and holding the first number on the seniority list for the Sub Regional Officer. I am diligently delivering my duties in the service of the Maharashtra Pollution Control Board since my entry in the Board's service in the year 1979. I am holding the qualification of B.Tech (Chemical Engineering) from University of Nagpur i.e. a Bachelor Degree as per the recruitment rules made by M.P.C. Board in the year 1997 and qualify for the departmental promotion.

Therefore, I hereby humbly submit my request application for the kind consideration of the authority of M.P.C. Board with a hope that proper justice will be made in my case by giving me an opportunity as departmental candidate in the 50% quota reserved for the category of departmental candidates by promotions.

Yours sincerely,
sd/-
(D. M. Chaukhande)
Sub Regional Officer
Nagpur-III

Copy submitted to
The Hon'ble Chairman, M.P.C. Board, Mumbai.

// TRUE COPY //

Advocate