



# MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001

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## Case No. – 3769/2014

Name of the complainant : Tekale Dilip Sakharam  
R/o, Palam, Tal Palam  
Dist. Parbhani

Vs.

Name of the Respondent : The Chief Secretary  
Government of Maharashtra  
Mantralaya, Mumbai

The Addl. Chief Secretary  
Home Department  
Mantralaya, Mumbai

The Collector  
Parbhani

The Commissioner of Police  
Pune

Date : 27 April 2015

Coram : Justice S. R. Bannurmath, Chairperson

## ORDER

This case is registered on the basis of a complaint lodged by the victim Shri. Dilip Sakharam Tekale. It is complained that on 05.04.2012 while he was in a hotel called Ambika Bhavan at Pune taking tea along with a Police Naik Shri. Wagh, who was carrying an 9mm carbine machine gun and at that time for the negligence and mishandling of the gun there was

an accidental discharge of the gun resulting in firing of three bullets. This discharge of bullets resulted in complainant receiving severe injuries to his leg and ultimately resulted in amputation of his right leg below knee. It is submitted that inspite of his repeated requests to the concerned Police officials as well as to the Government neither compensation is paid nor any job on compassionate ground has been provided. It is stated that he comes from a poor family and was the only earning member and family consists of two younger brothers and mother who were dependent on his income. As such it is prayed that as his human rights have been violated proper action in this regard be taken.

On receipt of the complaint report from the concerned authorities was called for. The Collector, Parbhani and Spl. Inspector General of Police Aurangabad Division by detailed report submitted that they have recommended to the Government to provide a compassionately appointment to the victim as he has to suffer because of accidental / negligence discharge of the fire arm by a Police staff that too in a public place. However, it was brought to the notice of the Commission that inspite of repeated communication and reminders the Government is not taking any action. Noticing that though the Collector, Parbhani had intimated to the Chief Secretary and a detailed report was submitted to the Home Department in 2013 itslef, there was no action taken by the State.

Initially, this Commission called for a report from the State and since there was no response whatsoever the Commission directed the Chief Secretary and Additional Chief Secretary to be present.

Today Shri. K.P. Bakshi – Addl. Chief Secretary (Home), Shri. S.D. Khedekar Dy Secretary (Home), Shri. Ajinkya Bagade – Section Officer (Home) and Shri Kiran Ambekar – Tahsildar are present so also the complainant. So far as the Chief Secretary is concerned representation is made that since he is on leave unable to attend today's hearing. Considering the circumstances the presence of Chief Secretary is dispensed with.

After perusal of the records and hearing of the parties especially the submission made by Shri. Bakshi, Addl. Chief Secretary (Home) that there was no doubt delay in taking action due to various unavoidable circumstances including the decisions to be taken by higher ups, now the State has taken a decision to give a compassionate appointment of Class 'D' employee to the victim and orders in this regard are issued. Today the complainant has also been given the copy of the decision taken by the State.

While expressing the appreciation of the Commission for the initiation taken by the State and Addl. Chief Secretary (Home) and others, it is to be noted that a young man of 21 years that too from a poor family has lost a leg due to an accidental / negligent handling of a fire arm by the Police official, that too in a public place like hotel and due to the injury an innocent young man had lost his right leg due to a surgical amputation. This would have put him and his family members under physical, mental, financial problems. Added to that the delay in taking decision also must have resulted in further agony. As such while closing the case the Commission passes following directions :-

- 1) The State to pay a compensation of Rs. 2,00,000/- (Rupees Two Lacs) to the victim within two months from the date of receipt of this order.**
- 2) The State is directed to arrange for an artificial leg (Jaipur Foot) to the victim at the earliest depending upon the medical advice (to be obtained by the State).**

With these recommendations the case is closed.

**The Secretary to communicate this order to the parties concerned.**

**(Justice S. R. Bannurmath)  
Chairperson, SHRC**