

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.529/2018

DISTRICT: - AHMEDNAGAR

Santosh s/o. Bapurao Disale,
Age : 40 years, Occu. : Agril.,
R/o. At Disalewadi, Post. Kusadgaon,
Tq. Jamkhed, Dist. Ahmednagar. ...APPLICANT

VERSUS

- 1) The Collector/Magistrate,
Ahmednagar,
Collector Office, Ahmednagar.
- 2) The Sub Divisional Officer,
Sub Division Karjat,
Tq. Karjat, Dist. Ahmednagar. ...RESPONDENTS

APPEARANCE : Shri Yogesh Birajdar Advocate h/f
Shri Sachin S. Deshmukh Advocate for
applicant.
Smt. Sanjivani Ghate Presenting Officer for
respondents.

CORAM : Justice M.T.Joshi, Vice-Chairman

DATE : 12th October, 2018

ORAL ORDER
(Delivered on 12th Day of October, 2018)

1. Heard Shri Yogesh Birajdar learned Advocate holding
for Shri Sachin S. Deshmukh learned Advocate for the

applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.

3. Heard both sides. By the present original application, applicant is claiming following relief:

"(B) By issuance of necessary order quashed and set aside the impugned order dtd. 31/5/2018 passed by the respondent no.2 and allow the applicant to resume the duty as Police Patil, Village Khandvi, Tq. Jamkhed, Dist. Ahmednagar in the light of the order of extension dtd. 24/7/2013; and for that purpose issue necessary directions."

4. The admitted facts of the case are that the present applicant was appointed as Police Patil following to due procedure on 16-04-2008 (Annexure A-1, paper book page 11) from OBC category. However, validity certificate of his caste remained to be filed with the respondent no.2 Sub Divisional Officer. Therefore, the Sub Divisional Officer, issued notice to him dated 29-02-2016 (Annexure A-4, paper book page 15) thereby it was warned that in case the

validity certificate is not submitted or the explanation is not given, his services would be terminated.

5. Applicant communicated to the respondent no.2 that he has filed a proceedings for validation of the caste certificate with the concerned scrutiny committee of Nashik on 06-01-2009 itself. He had even acknowledgment of filing proceedings bearing no.1733-1390 (Annexure A-5, paper book page 17-A) however validity certificate was yet to be received, by that time.

6. Ultimately, vide Annexure A-6, paper book page 18, respondent no.2 Sub Divisional Officer again issued notice on 15th May, 2018 granting only 2 days' time for filing the validity certificate. As within those 2 days applicant could not place the validity certificate, vide order dated 31-05-2018 (Annexure A-8, paper book page 20) his services came to be terminated and hence the present O.A. is filed.

7. To substantiate the case, the applicant had in fact filed proceedings before Caste Scrutiny Committee immediately in 2009, the copy of the acknowledgement from the said Caste Scrutiny Committee is filed at paper book page 13, which would show that present applicant has

applied for validity certificate. Since no action was taken, he had filed a fresh proceedings before the said Scrutiny Committee and ultimately on 03-07-2018 (paper book page 23) Caste Certificate Scrutiny Committee had held the caste certificate as valid. This certificate however is passed by the concerned Caste Scrutiny Committee after 5 weeks of the dismissal of the present applicant from service.

8. Learned P.O. has submitted that many opportunities were granted to the applicant to submit caste validity certificate as can be seem from the above facts, and there is no case for interference in the impugned decision.

9. The record however would show that in the year 2009 itself the applicant has taken steps for securing validity certificate. The concerned Caste Scrutiny Committee however did not act on the said proceeding and therefore the applicant was required to file a fresh proceeding for getting validation of his caste certificate. The validation however was issued on 3rd July, 2018 by the said committee while the applicant was already terminated by the respondent no.2 on 03-07-2018.

10. The record would show that the applicant was not at fault in securing the said validity certificate belatedly. May

be, pendency of cases before Caste Scrutiny Committee, is a cause for non-issuance of the validity certificate in favour of the applicant in time as is clear from the very fact that no progress was made in the earlier application of the present applicant. In this view of the matter O.A. deserves to be allowed.

11. Accordingly, O.A. is allowed without any order as to costs. The impugned order of termination of services of the applicant dated 31-05-2018 is hereby quashed and set aside. Respondent no.2 is directed to allow the present applicant to resume his duty within a period of 4 weeks from the date of this order in case post of Police Patil at Village Khandvi, Tq. Jamkhed, Dist. Ahmednagar is not filled in, in the meantime.

VICE-CHAIRMAN

YUK ORAL ORDER 12-10-2018 F