

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 872 of 2021 (S.B.)**

Keshav S/o Parasharam Meshram,  
Aged 49 years, Occ. Service,  
R/o Ward No.3, Yeoti, Amravati.  
District Amravati – 444 708.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
- 2) The Sub Divisional Officer,  
Chandur Railway, Tq. Chandur Railway,  
District Amravati.
- 3) The Additional Commissioner,  
Amravati Division, Amravati.

**Respondents.**

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Gayatri R. Diwe, Aastha R. Sharma, S.A. Puranik, Advs for the applicant.  
Shri A.M. Khandekar, learned P.O. for respondents.

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated :- 22/06/2022.**

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**JUDGMENT**

Heard Gayatri R. Diwe, Id. counsel for the applicant and  
Shri A.M. Khadatkhar, Id. P.O. for the respondents.

2. The applicant was working as a Police Patil of village  
Yeoti, Tq. Nandgaon Khandeshwar, District Amravati. The applicant  
was appointed as a Police Patil as per the order dated 10/08/2009.

His services were continued from time to time. The applicant was arrested for the offence under Section 7 of the Prevention of Corruption Act. The applicant is suspended as per the order dated 15/3/2021. The respondents have not served any charge sheet. It is submitted that the respondents cannot continue the suspension for a long period, i.e., more than 90 days. Hence, his suspension is liable to be revoked.

3. The O.A. is strongly opposed by the respondents. It is submitted that the applicant who was working as a Police Patil not a public servant and therefore the provisions of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 are not applicable. It is submitted that as per the provisions of the Maharashtra Village Police Patil Act, 1967 and Order, 1968, as well as Resolutions and Circulars are governing with the recruitment, pay, allowances and other conditions of services of Police Patil and therefore the O.A. is not maintainable on that ground.

4. The learned counsel Gayatri Diwe has pointed out the Judgment of Hon'ble Bombay High Court in Writ Petition No. 449/2017, decided on 16/03/2017. The Hon'ble Bombay High Court in para-12 has held as under –

*“ (12) The decision in the case of Rajeshwar S/o Hiranman Mohurle (supra) only holds that a Police Patil under the said Act is not a Police Officer for the purpose*

*of Section 25 of the Indian Evidence Act, 1872. The issue whether a Police Patil is a public servant is not at all dealt with in the said decision. We, therefore, hold that the Police Patil is a public servant within the meaning of the said Act."*

5. The learned counsel has also pointed out the Judgment of Hon'ble Bombay High Court in Writ Petition No.2623/1995, decided on 9/4/2012. The Hon'ble Bombay High Court has held that the Police Patil is a public servant and therefore rules of conduct are applicable to the Police Patil also. Admittedly the applicant is under suspension, no any charge sheet is served for initiating departmental inquiry by the respondents.

6. As per the Judgment of Hon. Supreme Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another**, decided on 16/02/2015, suspension cannot be continued more than 90 days. Specific guidelines are given in Para-14. It is reproduced as under -

*"14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his*

*defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us”.*

7. In that view of the matter, the following order -

**ORDER**

(i) The O.A. is allowed.

(ii) The impugned suspension orders dated 26/7/2021 and 15/3/2021 are hereby quashed and set aside. The suspension of the applicant is revoked. The respondents are directed to reinstate the applicant within a period one month from the date of receipt of the copy of this order.

(iii) No order as to costs.

**Dated** :- 22/06/2022.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

dnk\*.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 22/06/2022.

Uploaded on : 22/06/2022.