

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 404/2016

Sou. Sadhana Roshan Gajbjiye,
Aged about 42 years, Occ. Household,
R/o Mohadi Mokasa, Tah. Nagbhid,
District Chandrapur.

Applicant.

Versus

- 1) State of Maharashtra
through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
- 2) The Sub-Divisional Officer,
Bramhapuri, Tq. Bramhapuri,
District Chandrapur.
- 3) The Tahsildar, Nagbhid,
Tq. Nagbhid, District Chandrapur.
- 4) Sajesh Mahadeo Gedam,
Aged adult, Occ. Agriculturist,
R/o Mohadi Mokasa, Tq. Nagbhid,
Distt. Chandrapur.
- 5) The Gram Panchayat,
Mohadi Mokasa, Tq. Nagbhid,
District Chandrapur through its
Secretary.
- 6) President, Mahatma Gandhi
Tanta Mukti Samiti, Mohadi Mokasa,
Tq. Nagbhid, District Chandrapur.

Respondents

Shri H.N. Potbhare, K.R. Prajapati, Advs. for the applicant.

Shri M.I. Khan, P.O. for the respondent nos. 1 to 3.

Shri A.Z. Gharde, R.B. Hingnekar, R.A. Gupte, Advs. for R-4 to 6.

Coram :- Hon'ble Shri R.B. Malik, Member (J).

Dated :- 15/02/2017.

ORAL ORDER -

The applicant in her capacity as Police Patil of Mohadi Mokasa, Tq. Nagbhid, Dist. Chandrapur brought this O.A. disputing the order dated 19th May, 2016 whereby she was placed under suspension by the Sub Divisional Officer, Bramhapuri (SDO) (R/2).

2. I have perused the record and proceedings and heard Shri H.N.Pothbhare, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri A.Z. Gharde, Id. counsel for R-4 to 6.

3. The applicant was first appointed to the post of Police Patil of the said village on 14-04-2006. That term expired on 9-4-2011. It was renewed w.e.f. 10-4-2011 which lasted upto 9-4-2016. It is common ground that thereafter her term has not been renewed, but it appears that the matter of the renewal of her term is under consideration of the concerned competent authorities. The impugned order was made on 19th May, 2016 on which date the applicant was no more the Police Patil of the said village. The allegations on which

she had been placed under suspension ex-facie and actually pertained to the performance of her duty as Police Patil. It appears that there is a lot of intransigence amongst some office bearers of the Gram Panchayat and one Tanta Mukti Samiti. I do not feel called upon, going by the scope of this O.A. to rule upon any of those disputes. I must make it specifically clear that I have made no judicial determination or even any judicial observation with regard to any matter outside what I am going to decide.

4. The above discussion must have made it quite clear that when the impugned order was passed the applicant was no more the Police Patil and therefore there was no question of she being placed under suspension. It is trite that only the serving functionary can be placed under suspension. As far as the applicant was concerned her term had come to an end and her term has not been renewed thereafter till today. This Tribunal is not concerned with the effect of whatever may have preceded the impugned order for the purposes of the decision hereof. It would be suffice to mention that there was no question of the applicant being placed under suspension because her term had expired. I must repeat times out of number that I express no opinion about the truism or otherwise of the allegations and counter allegations made by the parties against each other for the reasons hereinabove mentioned, I find that for all practical purposes the order

of suspension post cessation of the applicant as Police Patil had become infructuous. The O.A. is accordingly disposed of in these terms, with no order as to costs.

(R.B.Malik)
Member (J).

dnk.