

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.409 of 2016

Shri Kusha Gangaram Sarang,)
R/at 6, Arjun Sadan, Ramdas Wadi, Sindhi)
Gate, Murbad Road, Kalyan (W), Dist. Thane) ...Applicant

Versus

1. The Government of Maharashtra,)
Through Additional Chief Secretary,)
Home Department, Mantralaya,)
Mumbai – 400 032.)
2. Director General of Police,)
Maharashtra State, Old Council Hall,)
Colaba, Mumbai.)
3. Commissioner of Police, Thane,)
Dist. Thane.)
4. Superintendent of Police, Thane,)
Dist. Thane.)Respondents

Shri M.D. Lonkar, Advocates for Applicant.

Shri A.J. Chougule, Presenting Officer for Respondents.

CORAM : SHRI R.B. MALIK (MEMBER-JUDICIAL)

DATE : 20.01.2017

JUDGEMENT

1. This Original Application in effect seeks relief of treating the period from 1978 to 1989 as period spent on duty with consequential service benefits and in that regard to get the order dated 09.07.2015 quashed and set aside.

2. I have perused the record and proceedings and heard Shri M.D. Lonkar, the learned Advocate for the applicant and Shri A.J. Chougule, the learned P.O. for the Respondent Nos.1 to 4. The Respondent No.1 is the Government of Maharashtra in Home Department, Respondent No.2 is the Director General of Police Maharashtra State, Respondent No.3 is the Commissioner of the Police Thane and Respondent No.4 is the Superintendent of Police, Thane.

3. Shorn of avoidable details the facts are that the applicant came to be appointed as Police Constable (PC) in the year 1970. He came to be proceeded against departmentally and after D.E. he was removed from service on 27.12.1978. His appeal there against was dismissed. Then by some kind of a mercy order he came to be re-appointed on 06.07.1989. It was mentioned therein that the Ex-PC, the applicant was being appointed on the given pay-scale afresh. The Marathi word used was "navyane nemnuk". On this fresh appointment the applicant was continued to serve and retired on superannuation on 31.01.2009 as PC.

4. The record shows that the applicant started making requests for, in the manner of speaking, treating his earlier period as period spent on duty even for the purposes of his fresh appointment. He made written representation way back on 21.08.1999 which was expressly rejected by the Government by its communication of 01.06.2000. Therefore, although post retirement the applicant made representation again in response where to impugned order was issued on 2015, it is quite clear that in the manner of speaking his fate had been sealed in the year 2000 only and this O.A., therefore, is barred by limitation. There was no application moved for condonation of delay and the applicant suffers initial jolt which he has never recovered from.

5. Even as far as the facts are concerned, there is no reason why the relief can be given to the applicant. The loss of his first appointment was pursuant to disciplinary proceedings and his second appointment was a mercy appointment and, therefore, in my view there can be no justification at all in seeking “joining of the period”. I find no merit in the Original Application and the same is dismissed with no order as to cost.

(R.B. Malik)
Member (J)
20.01.2017

VSO