

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.116 OF 2016**

**DIST : SATARA**

Mr. Suryakant Sopan Pawar, )  
Age : 38 years, Occ : Police Constable, )  
R/at : At Post : Vathar (Kiroli), )  
Tal : Koregaon, Dist : Satara )

**.... Applicant**

**Versus**

1. The State of Maharashtra, )  
Through the Secretary, )  
Home Department, Mantralaya, )  
Mumbai. )
2. The Superintendent of Police, )  
Satara Rural, Satara. )

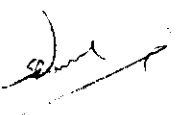
**....Respondents**

Shri K.R Jagdale, learned Counsel for the Applicant.

Shri K.B. Bhise, learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI SHRIHARI P. DAVARE,  
VICE-CHAIRMAN

DATE : 24.02.2016.



## J U D G M E N T

1. Heard K.R Jagdale, learned Counsel for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Heard learned Counsels for the respective parties. By the present O.A. the Applicant has prayed for :-

“By a suitable order / direction, this Honorable Tribunal may be pleased to direct the Respondent No.2 to decide the representations dated 12.05.2014 & 20.11.2015 within 4 weeks and communicate the decision to the Applicant immediately, forthwith.”

3. Respondent No.1 is State of Maharashtra, represented to the Secretary, Home Department, Mantralaya, Mumbai whereas, Respondent No.2 is the Superintendent of Police, Satara (Rural), Satara.

4. It appears from the proceedings that notices were issued to the Respondents by this Tribunal in the present O.A. on 11.02.2016 and while issuing notices it was specifically observed that having regard to the scope of the O.A. and ultimate reliefs sought, directions were issued to the Respondents to file their affidavit-in-replies on the next date positively without fail i.e. today so that the O.A. could be disposed off finally. However, inspite of the said observations, the Respondents failed to file the reply, hence, as observed in the earlier order, O.A. is taken up for disposal finally.

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5. According to the Applicant, he was appointed in Jail Department as Jail Guard on temporary basis on 22.12.2008. While the Applicant was working in Jail Department at Kolhapur, an advertisement was published by the Respondent No.2 to fill-up the posts of Police Constable and the Applicant applied for the same accordingly, since, according to the Applicant, he was eligible and qualified for the post of Police Constable. He was selected on merits on 26.04.2010. However, the Applicant came to be discharged from the services on the allegations that he secured 2<sup>nd</sup> job on behalf of Project Affected Persons (P.A.P.) certificate for 2<sup>nd</sup> time on 30.08.2010. Hence, the Applicant approached this Tribunal by O.A.No.1092 of 2010 and this Tribunal disposed off the said O.A. on 26.09.2011 and thereby impugned order therein dated 30.08.2010 discharging the Applicant from the services, was quashed and set aside, and the Respondent was directed to give show cause notice as per note mentioned therein under Rule 4 of the Bombay Police (Punishment and Appeal) Rules, 1956, after considering the reply of the Applicant, the Respondent was at liberty to pass fresh order.

6. Thereafter, it appears that the Respondent No.2 issued show cause notice to the Applicant on 17.01.2012. The Applicant replied to the said show cause notice on 30.01.2012. However, grievance of the Applicant is that without considering the reply of the Applicant to the said show cause notice, the Respondent No.2 issued a final order discharging the Applicant from service on 2/4-02-2012.

7. Hence, being aggrieved, the Applicant filed O.A.No.167 of 2012 before this Tribunal and this Tribunal set aside the impugned order dated 2/4-02-2012 by order dated 03.03.2014 hereby holding that the earlier services of the Applicant as Jail Guard was on temporary basis. Thereafter, it appears that the Applicant submitted representation before the Respondent No.2 and submitted the judgment of this Tribunal on 03.03.2014. Accordingly, Respondent No.2 issued the appointment order in favour of the Applicant in pursuance of the said judgment dated 03.03.2014 of this Tribunal on 27.03.2014.

8. Thereafter, the Applicant submitted the representations before the Respondent No.2 seeking to count his services from 2/4-02-2012 to 26.03.2014 with Pay and Allowances, Seniority and other benefits on 12.05.2014. However, no communication was forwarded by Respondent No.2 to the Applicant. Hence again applicant submitted reminder-cum-representation dated 20.11.2015 seeking to count his services of pay and allowances and other benefits. However, both the representations are still pending without any decision or consideration. Hence, the Applicant has filed the present O.A. seeking direction as mentioned hereinabove.

9. Having regard to the facts and circumstances and considering the prayer made by the Applicant in the present O.A. it appears that issuance of directions to Respondent No.2

to decide the representation dated 12.05.2014 and 20.11.2015 submitted by the Applicant and to communicate the decision thereof to the Applicant within reasonable time, would meet the ends of justice.

10. Hence, it is directed that the Respondent No.2 to decide the representations dated 12.05.2014 and 20.11.2015 made by the Applicant, as per the rules and regulations and in accordance with law, and communicate the decision thereof to the Applicant in writing, within the period of two months, and present O.A. stands disposed off accordingly, with no order as to costs.

Sd/-

**(Shrihari P. Davare, J.)**  
**Vice-Chairman**

**Place : Mumbai**  
**Date : 24.02.2016**  
**Typed by : PRK**