

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.1172 OF 2023

DISTRICT: Solapur
Subject: Police Patil

Shri Shashikant Shidram Kumbhar)
Age: 32 yrs, Occ: Farmer,)
R/o. At & Post Baslegaon, Tal.)
Akkalkot, Dist. Solapur.).....**Applicant**

VERSUS

1. The District Collector, Siddheshwar)
Peth, Dist. Solapur.)
2. The Sub Divisional Officer, Solapur 2)
3rd floor, above District Central Bank)
Collector Office Compound,)
Dist. Solapur.)...**RESPONDENTS**

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

Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Smt Medha Gadgil, Member (A)

Reserved on : 27.02.2024

Pronounced on : 14.03.2024

J U D G M E N T

1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Smt. Kranti Gaikwad., learned Presenting Officer for the Respondents.
2. The Applicant who was working as 'Police Patil' for the village Baslegaon, Taluka Akkalkot, District Solapur challenges the termination

order dated 03.04.2023 issued by the Respondent No.2 as well as order passed by the Respondent No.1 dated 04.09.2023 whereby Applicant's appeal dated 08.03.2023 is rejected by the Respondent No.1.

3. The learned Advocate for Applicant submits that Applicant was working as 'Police Patil' in Baslegaon, Tal. Akkalkot, Dist. Solapur from 07.04.2018 to 06.04.2023. A FIR was registered against him and other persons on 27.01.2020 and Applicant was arrested and suspended on 12.02.2020. However, the Applicant was acquitted in the said criminal case viz. Criminal Case No.211/2020, by judgment dated 28.10.2021 passed by the Hon'ble JMFC Akkalkot. In view of said acquittal, the Applicant was reinstated as Police Patil on 02.03.2022. The applicant was again suspended by Respondent No.4 on 22.04.2022 on the ground of alleged misconduct and show cause notice was issued to him on 28.04.2022, 02.03.2022 and 08.08.2022 to which Applicant gave reply.

4. Learned Advocate for Applicant pointed out that the Circle Officer, Akkalkot had conducted enquiry in the absence of Applicant with regards to allegations against the Applicant. Several residents of village Baslegaon have addressed letters to the Respondents stating that villagers have no complaint against Applicant.

5. Learned Advocate further pointed out that Deputy Sarpanch and Villagers of Baslegaon had submitted representations dated 05.01.2023 to Revenue Ministers and other Ministers requesting them to reinstate

the Applicant. Since no action was taken for reinstatement, the Applicant had filed an O.A.No.222/2023 and immediately after filing O.A. on 02.03.2023, the Applicant received an order of reinstatement dated 17.02.2023 and Original Application was disposed of by Hon'ble Tribunal on 03.03.2023.

6. Learned Advocate for Applicant referred to Rule 4 of Maharashtra Village Police Patil (Recruitment, Pay, Allowances & other Conditions of Service) Rules 1968 which states that term of Police Patil can be renewed for further period of 5 years. He submitted that since his term was to expire on 06.04.2023, the Applicant submitted an application on 28.02.2023 before the Respondent No.2 for renewal/extension of his term. But instead of renewing/extending Applicant's term as Police Patil, the Respondent No.2 vide impugned order dated 03.04.2023 terminated Applicant's service. Learned Counsel therefore states that the impugned order is punitive in nature and no opportunity of hearing was given to Applicant. He points out that there are several other Police Patils against whom criminal case as well as adverse reports are pending and despite this their services have not been terminated.

7. Learned Presenting Officer for Respondents refutes contention of learned Counsel for Applicant. She relied on the Affidavit in Reply filed on behalf of Shri Vitthal Rohidas Udamale, SDO Solapur No.2 Solapur. Learned P.O. pointed out that there were several serious complaints against the Applicant. She pointed out that during the said period,

petitioner was suspended two time on 12.02.2020 and 22.04.2022 for his illegal behavior and misconduct. She points out that his work as Police Patil was not satisfactory during 5 years period. Therefore, he is not entitled for extension of his term. She further states that petitioner cannot claim extension of his term as Police Patil as of right. Learned P.O. further points out that there are no Criminal Case pending against other Police Patils mentioned by Applicant. Therefore, she states that Original Application be dismissed.

8. I have carefully perused the impugned order passed by SDO-Solapur dated 03.04.2023. It is a fact that Criminal Case No.0029/2020, dated 27.02.2020 was registered against the Applicant because of serious crime of defamation by committing obscene misdeeds. However, Applicant was acquitted in the said criminal case vide Criminal Case No.211/2020, by judgment dated 28.10.2021 passed by the Hon'ble JMFC Akkalkot. In view of said acquittal, the Applicant was reinstated as Police Patil on 02.03.2022 . The Grampanchayat, Baslegaon and all the villagers therein had made representation dated 10.02.2022 that the said Police Patil should be dismissed from service and new Police Patil should be appointed in his place. Furthermore, Tahsildar, Akkalkot in his report dated 25.04.2022 stated that Applicant indulged in illegal activities of Sand mining and powdered rock transport and thus violated section 6, 7,8,12, 13, 14, 15 of the Maharashtra Village Police Patil Act, 1967 and Section 40 of the Cr.P.C. Furthermore, it is noted that SDO Akalkot on the basis of report and as per provisions of Village Police Patil Act 1967

Section 9(c) had suspended the applicant on 22.04.2022. However, he was reinstated on 17.02.2023.

9. In view of above background, the Respondent No.2 has formed the opinion that the Applicant is not suitable for appointment to the post of Police Patil.

10. Considered the submissions of both the sides. In this connection it is apposite to examine the eligibility for appointment as per the Maharashtra Village Police Patil (Recruitment, Pay, Allowances and other conditions of Service) Order 1968. Section 3(1) of the said order reads as under:

“3. Eligibility for appointment: (1) No person shall be eligible for being appointed as a Police Patil, who -

(a) is under twenty-five years or over forty five years of age at the time of appointment;

(b) has not passed the VI standard examination in a primary school or who does not possess equivalent or higher educational qualification;

(c) is not a resident of the village of one of the villages in the case of a group of villages for which the appointment is to be made;

(d) is physically unfit to perform the duties of a police patil;

Provided that, the candidate may be required by the competent authority to undergo a medical examination to determine his physical fitness, if deemed necessary;

(e) is adjudged by the competent authority after a summary inquiry to be of bad character, or has, in the opinion of that authority such antecedents as render him unsuitable for employment as Police Patil.”

11. Section 3(1)(e) clearly states that No person shall be eligible for being appointed as a Police Patil, who is adjudged by the competent authority after a summary inquiry to be of bad character, or has, in the opinion of that authority such antecedents as render him unsuitable for employment as Police Patil. Hence, the same applies to reappointment. In this connection it is important to note that Tahsildar, Akkalkot vide his letter dated 31.3.2023 and SDPO, Akkalkot vide letter dated 16.3.2023 have sent reply stating that the applicant should not be given reappointment. The report of the Tahsildar, Akkalkot reads as under:

पेलीस निरीक्षक दक्षिण पोलीस ठाणे अक्कलकोट यांचा अहवाल	मंडळ अधिकारी अक्कलकोट यांचा अहवाल
होय-पोलीस पाटील श्री शशीकांत सिध्दराम कुंभार हे आपले पदाचा गैरवापर करु अनेक दिवसापासून वाळू तस्करी करतात. तसेच गावातील लोकांना नाहक त्रासदेत असले बाबतगोपनिय बातमीदारांकडून माहिती प्राप्त झालेली आहे.	होय-गांवकऱ्यांमध्ये संभ्रमाचे व अविश्र्वसाचे वातावरण निर्माण करतात असे गावातील नागरीकाचे म्हणणे आहे. परंतू याबाबत लेखी देणेस नकार दिलेला आहे.

12. Hence, I find no reason to interfere with impugned order wherein term of the Applicant has not been extended. The extension of the said post is not a matter of right.

13. The Respondent No.2 has rightly concluded that as work of Applicant is not satisfactory during his 5 years term, therefore, as per Maharashtra Village Police Patil (Recruitment, Pay, Allowances & other Conditions of Service) Rules 1968, the petitioner is not entitled for reappointment of term as Police Patil.

14. For the aforesaid reason, I have no hesitation to sum up that O.A. is devoid of merit and deserves to be dismissed.

ORDER

Original Application No.1172 of 2023 is dismissed with no order as to costs.

Sd/-
(Medha Gadgil)
Member-A

Place : Mumbai
Date : 14.03.2024
Dictation taken by : Vaishali Mane