

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

DISTRICT: PUNE

ORIGINAL APPLICATION NO.254 OF 2018

Shri Karan Ashok Bhosale)
Age 27 years, Occu. Agri. ,)
R/o. Pangri, Tal. Khed, Dist. Pune.)Applicant

Versus

1. The State of Maharashtra,)
Through the Principal Secretary,)
Home Dept., Madam Cama Marg,)
Hutatma Rajguru Chauk,)
Mantralaya, Mumbai 400 032.)
2. Collector, Pune, having office at)
Collector Office, Camp, Pune – 1.)
3. Sub Divisional Officer, Rajgurunagar)
Tal. Khed, Dist. Pune.)
4. Tahasildar, Rajgurunagar, Tal.Khed)
Dist : Pune.)
5. Ravindra Khandu Bhosale)
R/o. Pangari, Tal. Khed, Dist. Pune.).....Respondents.

Shri D. V. Sutar, Counsel for the Applicant.

Smt. Archana B. K., Presenting Officer for the Respondent Nos.1 to 4.

Shri R. Bhosale, Respondent No.5 and his Counsel are absent.

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 23rd September, 2019

J U D G M E N T

1. Heard Shri D. V. Sutar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondent Nos.1 to 4. Respondent No.5-Shri Ravindra Bhosale and his Counsel are absent.

2. In the present O.A., the Applicant has challenged the appointment order of Respondent No.5 on the post of Police Patil of Village Pangari, Tal. Khed, Dist. Pune on the ground that he has suppressed the material fact of registration of crime against him and was not entitled to the appointment of Police Patil.

3. Perusal of record reveals that offence vide Crime No.201/2009 u/s 143, 147, 341, 188 of IPC and u/s 135 of the Bombay Police Act was registered against the Respondent No.5 in Khed Police Station. Despite this position, he had secured certificate from PI, Khed Police Station on 11.06.2017 certifying that no offence is registered against him. However, later same PI, Khed Police Station issued another letter dated 12.12.2017 informing the S.D.O. that offence u/s 143, 147, 341, 188 of IPC and u/s 135 of the Bombay Police Act was registered against the Respondent No.5 and Criminal Case is pending in the court.

4. At the time of issuance of order of appointment in favour of Respondent No.5, the Applicant had again raised objection before the S.D.O. about suppression of material fact of registration of crime by Respondent No.5. Surprisingly, the S.D.O. rejected his objection stating that it is civil liability and case is pending in Civil Court though in fact there is registration of crime against the Respondent No.5. This order was passed on 18.01.2018 and the S.D.O. on the same day issued appointment order in the name of Respondent No.5. However, again on the same day he had passed another order thereby suspending the Respondent No.5 from the post of Police Patil invoking Section 11 of Maharashtra Village Police Patil Act, 1967. It is rather surprising that S.D.O. has not understood the distinction between civil and criminal liability and has erred in observing that it is civil matter. Be that as it may, perhaps he realised the mistake and on the same day, suspended the Respondent No.5 on the ground of registration of crime against him. However, later he did not take any steps in the matter of suspension of the Respondent No.5.

5. It is on above background, the Applicant has filed the present O.A. challenging the order of appointment of Respondent No.5 to the post of Police Patil.

6. When the matter was taken up on 20.09.2019 at the stage of admission, it was noticed by the Tribunal that no further step seems to have been taken by the S.D.O. after suspending the Respondent No.5 by order dated 18.01.2018 and the matter is simply lingering with S.D.O. Therefore, learned P.O. was directed to

take instructions from the S.D.O. and to apprise the Tribunal about the action taken by S.D.O. in pursuance of suspension order, if any.

7. However, today again learned P.O. submits that the S.D.O. is not taking phone and she is unable to tell anything. Shri Yogesh Padale, Aval Karkun, S.D.O. Khed, Pune is present. He simply brought letter issued by the S.D.O. seeking time to file reply. Indeed, the Tribunal has not asked for any written reply and wanted to know whether the S.D.O. had taken any action after suspension of Respondent No.5. Thus, it seems that S.D.O. did not understand the order of Tribunal. Shri Sutar, learned Counsel for the Applicant pointed out that Criminal Case is still pending in the court.

8. Thus, what transpires from the record that the Respondent No.5 was suspended from the post of Police Patil by order dated 18.01.2018. But till date no further action is taken though the period of more than 20 months is over.

9. In view of above, present O.A. deserves to be disposed of with suitable directions so that the matter about appointment of Police Patil is taken to the logical conclusion by following appropriate rules instead of keeping the matter pending for such a long period. Hence the following order.

ORDER

(A) Original Application is allowed partly.

(B) Respondent No.3 S.D.O. is directed to take further steps in the matter of suspension of Respondent No.5 by order dated 18.01.2018 and shall pass final order about eligibility of Respondent No.5 to the post of Police Patil of Village Pangari in accordance to rules after giving opportunity to the parties within six weeks from today.

(C) Learned P.O. is directed to communicate this order to S.D.O. immediately for necessary compliance.

(D) No order as to costs.

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Sd/-

(A.P. KURHEKAR)
Member(J)

