

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH, NAGPUR
ORIGINAL APPLICATION NO 379 OF 2015**

DISTRICT : NAGPUR

Shri Ajay Govinda Hate,)
Occ : Nil, R/o : Bara Signal, BOrkar Nagar,)
Imamwada, Nagpur.)...**Applicant**

Versus

1. The State of Maharashtra)
Through Secretary,)
Ministry of Sports and Youth Services)
Maharashtra, Mumbai - 32.)
2. Deputy Director,)
Sports and Youth Services,)
Divisional Krida Sankul, Koradi Road,)
Mankapur, Nagpur 400 030.)
3. The Commandant Officer,)
3, Maharashtra Girls Battalion,)
National Cadet Cord, N.C.C Bhavan,)
Near W.C.L Office, Telangkhedi road,)
Civil Lines, Nagpur 440 001.)...**Respondents**

Shri V.V Waghmare, learned advocate for the Applicant.

Smt S.V Kolhe, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman) (A)
Shri J.D Kulkarni (Vice-Chairman) (J)

DATE : 11.8.2017

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. Heard Shri V.V Waghmare, learned advocate for the Applicant and Smt S.V Kolhe, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging the order dated 13.5.2015 issued by the Respondent no. 2, terminating his services.

3. Learned Counsel for the Applicant argued that the Applicant was appointed as Safai Kamgar by order dated 22.9.2014. He joined the duties on the establishment of the Respondent no. 3. The Respondent no. 2 terminated the services of the Applicant by impugned order dated 13.5.2015, without giving him any notice. Learned Counsel for the applicant argued that this is against the principles of natural justice. The ostensible reason for terminating the services of the Applicant was pendency of five criminal cases against the Applicant. However, the Applicant was acquitted in these cases, except in Crime No. 3124/2007, where J.M.F.C Court No. 32, Nagpur convicted the Applicant till rising of the Court and imposed a penalty of Rs. 300/- on 7.1.2010. This is a

minor offence and the Applicant had pleaded guilty in Lok Adalat. As such, he could not have been disqualified on that count. Learned Counsel for the Applicant argued that the impugned order is not sustainable in law.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondents that the Respondent no.2 had issued appointment letter to the Applicant on 22.9.2014 as Safai Kamgar as heir of his father, who died in service as per Lad-Page Committee's recommendation and Circulars issued by the Government in this regard. The appointment was given subject to the condition that the appointment was subject to satisfactory report of Character and antecedents. If the report of Character and antecedents was unsatisfactory, his services were liable to be terminated without any notice. The Applicant was fully aware that he was arrested in five criminal cases, and in one criminal case, he was convicted. As per the condition of the appointment order, his services were terminated for which no notice was required to be given.

5. We find that five criminal cases punishable under the Indian Penal Code, Bombay Prevention of Gambling Act and Bombay Prohibition Act were registered against the Applicant. As per details submitted by the Applicant himself, he was convicted in Crime No. 3124/2007 by J.M.F.C Court no. 32, Nagpur on 7.1.2010 and sentenced till rising of the Court and also a fine of Rs. 300/- was imposed. This was a case of gambling. The Applicant claims that he had pleaded guilty in Lok Adalat and therefore, he should not be held disqualified. We are not impressed with this argument. The

Applicant was convicted by a Competent Court for the offence of Gambling and sentenced to undergo imprisonment till the rising of the Court.

In other cases, viz. Crime no. 75/2009 under Section 324 of IPC, the Applicant claims that he was discharged on 2.5.2016, i.e. the case was pending when the impugned order was passed.

In crime No. 3064/2005, under sections 294 and 506(B) of IPC, he was discharged on 3.3.2016. This case was also pending when he was appointed as well as when his services were terminated.

In crime no. 6069/2010, the Applicant was discharged on 8.8.2016, while in Crime No. 3399/2008, under IPC Sections 294, 506, he was discharged on 12.3.2015. It is clear that four criminal cases were pending against the Applicant on the date he was appointed by the Respondent no. 2.

7. The Applicant's involvement in so many criminal cases and his conviction in one criminal case has to be seriously considered while deciding his suitability for employment in Government. The Respondent no. 2 cannot be faulted for concluding that the character and antecedents of the Applicant are not satisfactory to give him in employment in Government. The Applicant was given employment on certain conditions and one of the conditions was regarding character and antecedents being found satisfactory. If the

report of character and antecedents of a candidate was not satisfactory, his services were liable to be terminated without any notice. The Applicant has accepted employment by accepting all the conditions and he cannot have any cause of grievance, if the condition no. 14 of the appointment order is invoked. We do not find any illegality in the impugned order dated 13.5.2015 passed by the Respondent no. 2.

8. Having regard to the aforesaid facts and circumstances of the case, this Original Application is dismissed with no order as to costs.