

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No.993 of 2023 (S.B.)

Ravindra Vitthal Tijare,
Age about 51 Years, Occ. Police Patil,
R/o Bhisni, Tq. Bhabhulgaon and Dist. Yavatmal.

Applicant.

Versus

- 1) The State of Maharashtra,
through Secretary, Home Department,
Mumbai.
- 2) District Collector,
Yavatmal.
- 3) The Sub Divisional Magistrate,
Yavatmal.

Respondents.

S/Shri F.R. Kashif, S.U. Shah, Advocates for the applicant.

Shri A.M. Khadatkhar, learned P.O. for the respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 26/02/2024.

JUDGMENT

Heard Shri F.R. Kashif, learned counsel for the applicant
and Shri A.M. Khadatkhar, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant belongs to “ANDH” by caste which comes in
Scheduled Tribe (S.T.) reserved category. The applicant was
appointed as Police Patil of village Bhisni, Tq. Bhabhulgaon, Dist.

Yavatmal in the reserved category, i.e., S.T. category. The respondent no.2 issued notice to the applicant on 07/06/2023 to produce caste validity certificate. The applicant appeared before respondent no.3 on 13/06/2023 and prayed one month time for producing the caste validity certificate. The applicant failed to produce caste validity certificate. Hence, respondent no.3 terminated the services of the applicant.

3. It is submitted that the caste validity certificate was issued by the Committee on 23/06/2023. The applicant has received the said caste validity certificate on 30/07/2023. Therefore, he applied to review the termination order as per the application dated 03/08/2023. The respondents have not considered the application made by the applicant. Therefore, he approached to this Tribunal for the following reliefs –

“(12) (1) The termination order dated 03/07/2023 passed by N.A. No. 3 (Annexure No.A-3) be quashed and declared null and void.

(2) Direct the Non-applicant that the applicant be entitled to receive all the salary and benefits that he would have received during the period of wrongful termination.

(3) Direct the Non-applicants that the applicant be awarded suitable compensation for the mental agony, financial loss, and tarnishing of reputation, he has suffered due to the wrongful termination.

(4) The record of lower court may kindly be called for kind perusal.

(13) Direct the Non-applicant that till decision of this main application, the applicant be reinstated to his earlier position as it is as Police Patil in Village Bhisni Tq & Dist. Yavatmal with immediate effect by passing interim order."

4. The respondent nos.2 and 3 have filed their reply. It is submitted that the applicant was appointed in the reserved category. The applicant failed to produce caste validity certificate of S.T. category. He was given extension of one month. During that period also he failed to produce caste validity certificate. Hence, the services of applicant were terminated. Therefore, the O.A. is liable to be dismissed.

5. During the course of submission, the learned counsel for applicant has pointed out the caste validity certificate issued on 19/6/2023. The order is dated 19/6/2023, but caste validity certificate which placed on record shows that it was issued on 23/06/2023. The copy of envelope produced on record shows that the applicant has received the caste validity certificate on 30/07/2023. The applicant was terminated as per the order dated 03/07/2023. On the day of termination, the applicant was granted caste validity certificate, but he was not in possession of the same because he received on 30/07/2023. The order of Committee shows that on 19/06/2023 the order was passed by the Committee in which the caste / category of the applicant was mentioned. It was also mentioned that the caste

certificate issued by the Sub Divisional Officer, Yavatmal dated 02/06/2023 is held valid. On the day of termination, though the applicant was not possessing the caste validity certificate, but it is clear that on that day the caste validity certificate was held valid. The termination order is dated 03/07/2023, whereas, the order of Committee is dated 19/06/2023. All these documents were placed along with the Review Application, but the respondents have not considered the same. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The termination order dated 03/07/2023 passed by respondent no.3 is hereby quashed and set aside.
- (iii) The respondent no.3 is directed to reinstate the applicant with continuity of service.
- (iv) No order as to costs.

Dated :- 26/02/2024.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 26/02/2024.