

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.704 OF 2019

DISTRICT : JALNA

Vishwanath s/o. Tatyasaheb Yeslote,
Age : 48 years, Occu. : Police Patil,
R/o. Rewalgaon, Tq. Ambad,
Dist. Jalna.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Principal Secretary,
Home Department,
Mantralaya, Mumbai-32.

2) The Sub Divisional Officer,
Sub Division Office Ambad,
Tq. Ambad, District, Jalna.

...RESPONDENTS

APPEARANCE : Shri K.M.Nagarkar, Counsel for
Applicant.

: Shri I.S.Thorat, Presenting Officer
for the respondent authorities.

CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN.

DECIDED ON : 14.02.2023.

O R A L O R D E R:

1. Heard Shri K.M.Nagarkar, learned Counsel for the
applicant and Shri I.S.Thorat, learned Presenting Officer
representing the respondent authorities.

2. Aggrieved by the rejection of his request for renewal of the period on the post of Police Patil vide order dated 25-06-2019, the applicant has approached this Tribunal. Shri Nagarkar, learned Counsel for the applicant submitted that merely on registration of a criminal case against the applicant, respondents could not have refused or declined to consider the request of the applicant for renewal of his term of Police Patil for the next period without conducting an enquiry in that regard. According to Shri Nagarkar the request has been rejected contrary to the provisions of law. Learned Counsel further submitted that the criminal case which is referred to in the impugned order has been decided and the applicant has been acquitted from the offences in the said case. Learned Counsel in the circumstances has prayed for setting aside the impugned order with consequential reliefs in favour of the applicant.

3. Shri Thorat, learned Presenting Officer has not disputed the factual matrix of the case. Learned P.O. submitted that even otherwise the term of the applicant as Police Patil was getting over within a few days and the applicant was requesting for renewal of his term. His request was rejected on the ground of registration of

criminal case against him. Learned P.O. fairly submitted that since now the applicant is acquitted from the criminal case, claim of the applicant for renewal of the term can be considered on its own merit as per rules by the respondents.

4. In view of the submission so made, it appears to me that only reason for not considering the request for renewal of term was registration of criminal case against the applicant. Now, the applicant has been acquitted from the said criminal case. In the circumstances, there may not be any impediment for considering the request of the applicant for renewal of his term of Police Patil on its own merit as per rules.

5. It is clarified that this Tribunal has not expressed any opinion and is not giving any mandate for renewal of term of the applicant and the decision has to be taken by the authorities on its own merit having regard to the provisions of the relevant Acts and Rules in that regard. O.A. stands disposed of accordingly, without any order as to costs.

VICE CHAIRMAN

Place : Aurangabad

Date : 14.02.2023.