

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.932 OF 2018**

**DISTRICT : AHMEDNAGAR**

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Chandar s/o. Rama Shinde,  
Age : 39 years, Occu. : Agril,  
R/O. Vaiduwadi, Sangamner (Kh),  
Tq. Sangamner, Dist. Ahmednagar.

**...APPLICANT**

**V E R S U S**

- 1) The State of Maharashtra,  
Through its Secretary,  
The Home Department,  
Mantralaya, Mumbai.
- 2) The Divisional Commissioner,  
Nashik Division, Nashik.
- 3) The Sub-Divisional Officer,  
Sangamner, Tal. Sangamner,  
Dist. Ahmednagar.
- 4) The Tahsildar,  
Sangamner, Tal. Sangamner,  
Dist. Ahmednagar.
- [5) The Gram Panchayat,  
Sangamner (Kh), Tq. Sangamner,  
Dist. Ahmednagar.  
Through its Gramsevak.] (Name of respondent no.5 is  
deleted by the Advocate for  
the applicant on 06-02-2018)

**...RESPONDENTS**

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**APPEARANCE** :Shri K.N.Shermale, Advocate for the  
Applicant.

:Smt. M.S.Patni, Presenting Officer for  
Respondents.

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**CORAM : B. P. PATIL, VICE CHAIRMAN.**  
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**DELIVERED ON : 04.07.2019.**  
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**ORAL ORDER**

1. The applicant has challenged the order dated 25-10-2018 passed by Sub Divisional Officer, Sangamner thereby suspending him from the post of Police Patil by filing the present O.A.

2. The applicant was appointed as Police Patil of Village Vaiduwadi, Tq. Sangamner, Dist. Ahmednagar on 25-02-2013 for the period of 5 years commencing from 25-02-2013 to 24-02-2018. After completion of his tenure, respondent no.3 has extended period of his tenure by order dated 25-02-2013 till 24-02-2023. It is contention of the applicant that while extending the period, respondent no.3 had made enquiry with the Police Inspector, Sangamner City Police Station and Circle Officer, Pimparne and thereafter the order came to be passed. It is contended by the applicant that he has rendered service as Police Patil without any stigma, and therefore, extension was granted to him. It is his contention that some ill-wishers in the village with the help of Gram Panchayat, Sangamner (Kh) got passed resolution against him alleging that he is causing

obstruction in the development work of Village Vaiduwadi, which is included in Group Gram Panchayat of Sanganner (Kh).

3. On receiving complaints from Gram Panchayat, respondent no.3 issued show cause notice dated 14-08-2018 to the applicant and directed to remain present before him on 23-08-2018. The applicant appeared before the Sub Divisional Officer and filed reply to the notice dated 14-08-2018 and thereby denied the allegations made against him. Applicant has contended in his reply that he has never obstructed development work of Gram Panchayat or threatened to employees or anybody. It is his contention that he has taken steps against illegal sale of liquor and illegal excavation of sand etc., and therefore, his ill-wishers filed complaints against him. It is his contention that after filing the reply, respondent no.3 Sub Divisional Officer has not given an opportunity of hearing to him and issued impugned order dated 25-10-2018 terminating his services. It is contention of the applicant that the impugned order is illegal and against the principles of natural justice. Therefore, he has approached this Tribunal challenging the impugned order by filing the present O.A.

4. Respondent no.3 and 4 have resisted the contentions of the applicant by filing their affidavit in reply. They have admitted the fact that the applicant was initially appointed as Police Patil for five years and after completion of his tenure extension was given to him. It is their contention that after receiving complaints from Sarpanch and Village Development Officer, Sangamner (Kh), the respondent no.3 conducted thorough enquiry through Tahsildar, Sangamner and Police Inspector, City Police Station, Sangamner. They submitted the report stating that the applicant took undue advantage of the post of Police Patil and caused obstruction in the development work of Gram Panchayat and threatened employees of Gram Panchayat. He was not impartial while performing his duty and he supported one of the rival parties in the village. He was not loyal towards his duties, therefore, he failed to perform the duty as Police Patil. Thereafter, an opportunity was given to the applicant to defend himself. After considering his reply, respondent no.3 has passed the impugned order. It is their contention that two rival groups in the village have filed criminal complaints against each other. On the basis of these complaints, crimes bearing C.R.No.314/2018 and C.R.No.315/2018 are registered against them. The applicant was Police Patil and he is also accused in the crime bearing

C.R.No.314/2018. As the applicant was accused in the criminal case, respondent no.3 has passed the impugned order and suspended him. It is their contention that there is no illegality in the impugned order and no injustice has been caused to the applicant. Therefore, they have justified the impugned order and prayed to dismiss the O.A.

5. I have heard Shri K.N.Shermale Advocate for the Applicant and Smt. M.S.Patni Presenting Officer for the Respondents. I have perused the documents placed on record by both the parties.

6. Admittedly, the applicant was appointed as Police Patil of Village Vaiduwadi, Tq. Sangamner, Dist. Ahmednagar on 25-02-2013 initially for a period of 5 years commencing from 25-02-2013 to 24-02-2018. After completion of his tenure, respondent no.3 has extended period of his tenure by order dated 26-02-2018 till 24-02-2023. Admittedly, Gram Panchayat, Sangamner (Kh) passed resolution against the applicant and filed complaint against the applicant with the respondent no.3 alleging that the applicant was causing obstruction in development work of village. Admittedly, two rival groups in the Village Vaiduwadi are having dispute between them. Accordingly criminal cases bearing

C.R.No.314/2018 and C.R.No.315/2018 were registered against each other. Admittedly, the applicant is one of the accused in C.R.No.314/2018 registered with City Police Station, Sangamner. On receiving complaints, respondent no.3 called report from the Police Inspector, City Police Station Sangamner as well as from Tahsildar, Sangamner. On receiving reports from them respondent no.3 issued show cause notice to the applicant, to which, the applicant had given his reply. After considering the reply of the applicant, respondent no.3 passed the impugned order dated 25-10-2018 and suspended the applicant.

7. Learned Advocate for the applicant has submitted that the applicant has rendered the services as Police Patil without any stigma since the year 2013. He was helping the administration and police machinery to maintain law and order situation but his ill-wishers filed false complaints against him and at the instigation of the ill-wishers he is implicated in the criminal case. He has submitted that the applicant has mentioned all these facts in the reply to the show cause notice issued by the respondent no.3. But the respondent no.3 has not considered the said aspect and without giving an opportunity of hearing passed the impugned order of termination of the applicant from the post of Police Patil of Village Vaiduwadi. He has submitted

that no reasons are recorded by the respondent no.3 while passing the order dated 25-10-2018. He has submitted that the said order is illegal and therefore prayed to quash and set aside the order dated 25-10-2018 by allowing the present O.A.

8. Learned P.O. has submitted that the order dated 25-10-2018 is not an order of termination but it is a suspension order. She has submitted that the applicant was involved in criminal case. He was supporting one of the rival party in the Village Vaiduwadi due to which public peace and tranquility in the village was in danger. She has submitted that the Gram Panchayat has passed resolution against the illegal activities of the applicant and forwarded the same to the respondent no.3 for taking appropriate action. On the complaint of the Gram Panchayat, respondent no.3 Sub Divisional Officer made thorough enquiry by calling report from Tahsildar, Sangamner and Police Inspector, City Police Station Sangamner. After receiving reports from them, the respondent no.3 has issued show cause notice to the applicant to which the applicant has replied. After considering the reply of the applicant, the respondent no.3 has passed the impugned order of suspension of the applicant by recording reasons. She has submitted that documents on record show that the applicant has failed to discharge his duties as Police Patil, and therefore,

the respondent no.3 has suspended the applicant. Therefore, the learned P.O. has supported the impugned suspension order.

9. She has further argued that an opportunity of hearing was given to the applicant and the applicant has submitted his reply, and therefore, it cannot be said that the impugned order has been passed without following the principles of natural justice. She has submitted that the impugned order is in accordance with the provisions of law and there is no illegality in the same. Therefore, she has prayed to dismiss the O.A.

10. On perusal of record, it reveals that the impugned order dated 25-10-2018 has been issued by the respondent no.3 suspending the applicant from the post of Police Patil of Village Vaiduwadi. On going through the said order, it is crystal clear that it is not a termination order though the applicant is treating it as an order of termination. Therefore, I do not find any substance in the submission of the learned Advocate for the applicant that the applicant has been terminated by the respondent no.3.

11. Documents on record show that the Gram Panchayat Vaiduwadi passed a resolution regarding unlawful activities on the part of the applicant and obstruction caused by him in the development work of Village though he was working as Police



Patil. On the basis of complaints received from Gram Panchayat, the Sub Divisional Officer, Sangamner called report from Tahsildar, Sangamner and Police Inspector, City Police Station Sangamner. After receiving the reports from them, the Sub Divisional Officer had issued the show cause notice to the applicant, to which, the applicant has given him reply. In the said reply, the applicant has denied the allegations levelled against him. The Sub Divisional Officer, Sangamner considered the said reply as well as the reports of Police Inspector, City Police Station Sangamner and Tahsildar, Sangamner. On perusal of the report of Police Inspector, City Police Station Sangamner, it reveals that the applicant has failed to discharge his duties as Police Patil of Village Vaiduwadi and he has supported one of the rival groups in the village. Applicant is one of the accused in crime bearing C.R.No.314/2018 for the offences punishable u/s.143, 147, 149, 324, 337, 504 & 506 of Indian Penal Code. On the basis of said report, respondent no.3 has passed the impugned order of suspension of the applicant by recording reasons. Respondent no.3 has found that the applicant has failed to perform his duties as Police Patil of Village Vaiduwadi and he was not impartial while performing his duties. Therefore, to maintain the law and order situation, public peace and tranquility, the respondent no.3 has decided

to suspend the applicant from the post of Police Patil of Village Vaiduwadi and accordingly issued impugned order of suspension of the applicant from the post of Police Patil on 25-10-2018.

12. Applicant being a Police Patil has the responsibility of maintaining law and order situation in the village. He must be impartial. But the record shows that he was partial and because of his conduct, there was danger to public peace and tranquility of the Village Vaiduwadi.

13. Therefore, in view of the above fact and circumstances of the case, the respondent no.3 has rightly passed the impugned order and suspended the applicant. Therefore, no interference in the impugned order is called for. There is no merit in the O.A. Hence, the O.A. deserves to be dismissed.

14. In view of the discussion in the foregoing paragraphs O.A. stands dismissed. There shall be no order as to costs.

**(B. P. PATIL)**  
**VICE CHAIRMAN**

**Place : Aurangabad**  
**Date : 04.07.2019.**