

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 814/2021(S.B.)

Ramdas Jiwanaji Sanake,
Aged about 78 years,
Occupation – Terminated as
Police Constable, Bakkal No.1238,
R/o Wandli, Tq.Bhatkuli
Dist. Amravati.

Applicant.

Versus

1. The State of Maharashtra,
through its Secretary,
Home Department, Mantralaya,
Mumbai –400 032.
2. The Director General of Police,
Maharashtra State, Mumbai.
3. The Inspector General of Police,
Amravati Range, Amravati.
4. The Superintendent of Police,
[Rural], Amravati, Dist. Amravati.

Respondents

Shri V.A.Kothale, Ld. counsel for the applicant.
Shri M.I.Khan, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 12th December 2022.

JUDGMENT

Heard Shri V.A.Kothale, learned counsel for the applicant and Shri M.I.Khan, learned P.O. for the Respondents.

1. The case of the applicant in short is as under-

As per the submission of learned counsel for the applicant, the applicant was working as a Police Constable. He was dismissed from service in the year 1966. Thereafter, was filed appeal before the Inspector General of Police, Amravati, it was dismissed. Against the said order, the applicant moved appeal in the year 1967 before the Government of Maharashtra through proper channel, but it was not decided till date.
2. Heard the learned P.O. Shri M.I.Khan. As per his submission the applicant is not in service since 1966. Now he is claiming relief of deemed date of reinstatement and pensionary benefits. The applicant has also prayed to direct the respondent no.2 to decide the appeal pending on its file in communication dated 17.11.2017.
3. From the perusal of communication dated 17.11.2017 it appears that documents were submitted to the Government of Maharashtra. As per the information given under the R.T.I. Act, it was informed to the applicant that documents are not available.

The applicant has not approached to this Tribunal within a reasonable time.

4. The learned P.O. has relied on the Judgment of Hon'ble Supreme Court in the case of **C.Jacob Vs. Director of Geology and Mining and Another (2008) 10 Supreme Court Cases 115.** The Hon'ble Supreme Court has held that where an employee reappears after two decades, he cannot be treated as having continued in service, nor can be given benefit of qualifying service for pension. In the present case, the applicant has approached to this Tribunal after 54 years of his termination. Hence, the O.A. is not maintainable.
5. As per the submission of learned counsel for the applicant, the applicant had preferred appeal in the year 1967. It is pending before the State of Maharashtra. It appears that the applicant has not pursued the matter and in the year 2021 filed this O.A. After gap of 54 years approached to this Tribunal. Such a long delay cannot be considered. Moreover i.e. documents of appeal may not be available and it was informed to the applicant that, the documents are not available before the respondent no.1, therefore, the O.A. is liable to be dismissed. Hence, the following order -

ORDER

- 1) The O.A. is dismissed.
- 2) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 12/12/2022

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 12/12/2022.
Uploaded on : 26/12/2022.