

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.196 OF 2023

DISTRICT : SANGLI

Jaydeep Mahadev Devkar,)
Age 38 years, Occ. Farmer,)
R/o Bhatwadi, Taluka Walwa, District Sangli)..Applicant

Versus

1. The State of Maharashtra,)
Through its Secretary, Revenue Department,)
Mantralaya, Mumbai)
2. The Collector, Vishrambaug, Sangli)
3. The Sub Divisional Officer,)
Walwa, Islampur, District Sangli)..Respondents

Shri N.N. Pawar – Advocate for the Applicant

Shri A.J. Chougule – Presenting Officer for the Respondents

CORAM : Smt. Medha Gadgil, Member (A)

RESERVED ON : 8th September, 2023

PRONOUNCED ON: 26th September, 2023

J U D G M E N T

1. Heard Shri N.N. Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. In this matter the applicant who was working as Police Patil of Village Bhatwadi, Taluka Walwa, District Sangli is challenging communication dated 8.9.2022 issued by respondent no.3 accepting his resignation from the said post.

3. The applicant was appointed as Police Patil of Village Bhatwadi by order dated 5.3.2018. Ld. Advocate for the applicant submits that on 21.2.2022 an anonymous person from Village Bhatwadi allegedly made a complaint to respondent no.2 and sought enquiry of the applicant having a third child. He further alleged that during the course of the enquiry the applicant was harassed and under mental pressure he tendered his resignation to respondent no.3 on 24.4.2022. However, on 6.9.2022 the applicant visited the office of respondent no.3 and made an application for withdrawal of his resignation. However, the concerned Clerk of the said office refused to accept the application contending that applicant's resignation is already accepted and thereafter the applicant immediately send the said application to respondent no.3. He further pointed out that when the applicant had submitted his application for withdrawal of resignation there was no approval order of resignation of the applicant and no relieving order. He, therefore, prays that order dated 8.9.2022 by which his resignation was accepted and he was relieved from the said post, be quashed and set aside.

4. Per contra Ld. PO relied on the affidavit in reply dated 24.3.2023 filed by Pradip Dattatraya Ubale, Tahsildar, Walwa, Taluka Walwa, District Sangli. He states that respondent no.3 has passed the impugned order dated 8.9.2022 against the applicant under the provisions of Maharashtra Gram Police Act, 1967 and Maharashtra Gram Police (Appointment, Allowance and Service Conditions) Rules, 1968. He denied all the contentions raised by the Ld. Advocate for the applicant. He stated that respondent no.3 had initiated an enquiry against the applicant and during the course of such enquiry the applicant tendered his resignation on 24.4.2022. He denied that the applicant was harassed during the course of this enquiry. He pointed out that respondent no.2 by his communication/letter dated 9.1.2023 directed respondent no.3 to take

steps for filling the vacant post of Police Patil and submit report by 24.2.2023. He also denied the fact that applicant had personally visited the office of respondent no.3 seeking withdrawal of his resignation. He pointed out that during the course of enquiry it was proved that applicant has a third child and therefore he voluntarily tendered his resignation on 24.4.2022 and he further stated that applicant was appointed purely on honorarium basis and as per GR dated 9.5.2022 the applicant is not entitled for withdrawal of his resignation.

5. The facts in this case are crystal clear. It is seen that the applicant voluntarily tendered his resignation on 24.4.2022 to respondent no.3. It is seen that respondent no.3 initiated an enquiry against the applicant on the basis of a complaint dated 21.2.2022 about him of having third child. However, there is no proof to show that applicant was coerced into tendering his resignation. Further there is no evidence to show that applicant visited the office of respondent no.3 on 6.9.2022. and made an application for withdrawal of his resignation which was not accepted by the concerned Clerk. It is also clearly seen that resignation of the applicant from the post of Police Patil was accepted on 8.9.2022. The applicant had also filed appeal on 30.12.2022 before the Divisional Commissioner and the same was rejected on 7.2.2023. Hence, I find no merit in the OA and the same deserves to be dismissed.

6. Original Application is dismissed. No order as to costs.

Sd/-
(Medha Gadgil)
Member (A)
26.9.2023

Dictation taken by: S.G. Jawalkar.