

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.349/2019(S.B.)**

Anil Narayanrao Pawar,
aged about 42 years,
Occupation: Service, R/o SRPF,
501 quarters, New Building, Wadali Camp,
Amravati, Tah. & Dist. Amravati.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
- 2) The Special Inspector General Of Police,
State Reserve Police Force,
Near Regal Cinema, Mumbai.
- 3) The Controller/Commandant,
State Reserve Police Force, Group- IX,
Wadali Camp, Amravati,
Tah. & Dist. Amravati.

Respondents

Shri S.P.Palshikar, Ld. Counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated:- 08th August, 2024.

JUDGMENT

Judgment is reserved on 05th August, 2024.

Judgment is pronounced on 08th August, 2024.

Heard Shri S.P.Palshikar, learned counsel for the applicant and Shri A.P.Potnis, learned P.O. for the respondents.

2. Undisputed facts are as follows. The applicant was served with a show cause notice dated 17.07.2004 calling upon him to furnish details of his ailment because of which he had remained absent during training period. He was then served with a show cause notice dated 27.04.2004 as to why necessary action be not taken against him for having remained absent from the training school without permission. This notice was followed by order dated 31.07.2004 terminating his services. The applicant assailed order dated 31.07.2004 in O.A.No.349/2019. This Tribunal, by Judgment dated 17.03.2006 (Annexure A-1) quashed and set aside order dated 31.07.2004. The respondents were directed to reinstate the applicant, give him an opportunity of hearing and then decide the matter afresh. By order

dated 22.06.2006 (Annexure A-2), the applicant was reinstated in service. On 18.07.2006 show cause notice (Annexure A-3) was issued to the applicant as to why his services be not terminated. The applicant gave reply to show cause notice dated 18.07.2006 (incomplete copy of which is filed by the P.O. at Annexure R-3-IV). In this O.A. the applicant has prayed that relief of continuity of service from 31.07.2004 to 22.06.2006 be granted to him.

3. In para 9 of his reply respondent no.3 has stated that after his reinstatement by order dated 22.06.2006 the applicant has been promoted twice and presently he is working as Hawaldar. These details show that the applicant was not visited by any penal consequences pursuant to show cause notice dated 18.07.2006 and he continues to be in service.

4. Cause of action to claim relief of grant of continuity in service arose on 22.06.2006 when the applicant was reinstated. Instant O.A. which is filed on 04.05.2019 is clearly barred by limitation. On this preliminary ground the O.A. is liable to be dismissed. It is accordingly dismissed with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 08/08/2024
rsm.

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 Member (J).
Judgment signed on : 08/08/2024.
and pronounced on
Uploaded on : 08/08/2024.