

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.2883 OF 2016

Mr. Appasaheb s/o Gangadhar Late
and another ... PETITIONERS

VERSUS

The State of Maharashtra
and others ... RESPONDENTS

.....
Shri C.R. Thorat, Advocate for petitioners
Shri A.M. Phule, A.G.P. for State
.....

CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.

DATED: 10th March, 2016.

ORAL ORDER :

1. Mr. Thorat, learned counsel for the petitioners submits that, the petitioners were appointed as Police Patils temporarily vide appointment orders issued by the competent authority. The learned counsel submits as during the relevant time there was stay to the appointments of Police Patils throughout the region, the temporary appointments of the petitioners were continued from time to time and the petitioners are working since five years. The learned counsel relies on the

certificate issued by the Police Inspector, Khultabad Police Station (Exhibit B Colly.). The learned counsel submits that, though subsequently appointment orders are not issued, still as there were no Police Patils in the said village, the concerned Police Station asked the petitioners to function and the petitioners were functioning and discharging their duties as Police Patils. The certificates would substantiate the said fact. The learned counsel relies on the Government Resolution dated 28.6.2011 and submits that, the petitioners are entitled to be regularised and new Police Patils cannot be appointed in their place. The Tribunal has failed to consider the said aspect in its correct perspective.

2. Mr. Phule, the learned A.G.P. supports the judgment of the Tribunal and submits that the temporary appointments of the petitioner were only for a period of two months and thereafter the said temporary appointments were further continued for further period of two months twice. Thereafter, there was no continuation order of the petitioners.

3. We have considered the submissions canvassed by the learned counsel for respective parties so also have gone through the judgment delivered by the Tribunal. The fact that the petitioners were temporarily appointed as Police Patils in the year 2010 is not disputed. It is also not disputed that

subsequently their temporary appointments were continued for a period of two months. Thereafter there is no order issued by the appointing authority continuing the appointments of the petitioners. The appointment orders are to be issued under the signature of the concerned Sub-Divisional Officer. The certificate of Police Inspector of a particular Police Station would not be relevant. We could have considered the case of the petitioners had the Sub-Divisional Officer affirmed the contentions of the petitioners. However, it would appear that the respondent/ State has nowhere affirmed the said fact. The Tribunal has rightly come to the conclusion that the petitioner No.1 worked for six months and the petitioner No.2 has worked for four months only. For getting the benefit of the Government Resolution as relied by the learned counsel for the petitioners, the petitioners were required to have worked for a minimum period of two years.

4. In light of the above, the judgment delivered by the Tribunal cannot be faulted with. Writ Petition is dismissed. No costs.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)