

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

WRIT PETITION NO. 5572 OF 2018

**HANUMAN SAVALHARI SARODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Bhagwan V. Thombre, Advocate for the petitioner
Mr.S.B.Joshi, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 28.08.2018

P.C. :-

. The original application filed by the petitioner seeking renumeration and regularization in service as Kotwal has been dismissed. Aggrieved thereby the present petition.

2. Mr. Thombre, learned counsel appearing for the petitioner submits that the father of the petitioner was working as Kotwal of village Antarwali, Tq. Paithan. He retired on attaining the age of superannuation on 31.12.1994. The petitioner is serving as a Kotwal of the said village in place of his father since 08.08.1995. Learned counsel submits that for all these years he is directed to perform the duties as Kotwal but he is not paid

renumeration nor his services are regularized. The Circle Officer has also submitted the report to that effect. The tribunal has not considered all these aspects and has rejected the original application.

3. Learned AGP submits that the petitioner at no point of time was issued with the appointment order as a Kotwal. The Circle Inspector nor the Talathi have any powers or authority to direct the petitioner to function as a Kotwal. As the petitioner is never appointed as a Kotwal, he is not entitled for any remuneration or regularization. The tribunal has rightly considered the said aspect.

4. We have considered the submissions so also gone through the order of the tribunal. It is not disputed that the petitioner has not been issued the appointment order to function or officiate as a Kotwal after the superannuation of his father. The Circle Officer nor the Talathi have powers to direct the petitioner to work as a Kotwal. In absence of any appointment order by the competent authority the question of giving remuneration or regularization of the service does not arise. No error has been

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committed by the tribunal.

5. The writ petition stands dismissed. No costs.

[S.M.GAVHANE, J.]

[S.V. GANGAPURWALA, J.]