

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No.603 of 2018 (D.B.)

Sanjay Shrawan Telgote,
Aged about 61 years,
Occ. Retired Education Officer,
R/o Nalanda Colony, Hosiery Compound, Bhim Nagar,
Old city, Akola, Tq. and Dist. Akola.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary,
Education and Sports Department,
Mantralaya Mumbai-32.
- 2) Commissioner of Education,
Commissionerate Office, Senapati Bapat Road,
Central Building, Pune.
- 3) Maharashtra Public Service Commission **(Deleted)**
Bank of India Buldg 3rd Floor,
Mahatma Gandhi Road, Hutatma Chowk, Mumbai.

Respondents.

Shri A.P. Sadavarte, Advocate for the applicant.

Shri S.A. Sainis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice Vinay Joshi, Vice Chairman and
Hon'ble Shri Nitin Gadre, Member (A).**

Dated :- 21/04/2026.

J U D G M E N T

Heard finally with the consent of learned counsel appearing for
the parties.

2. The applicant has impugned the departmental action in terms of serving of charge sheet dated 30/12/2017 after superannuation, on the ground of non-maintainability in view of the provisions of Rule 27 (2) (b) (ii) of the Maharashtra Civil Services (Pension) Rules, 1982 (in short "Rules of 1982"). The learned counsel for applicant took us through the charge sheet having specific reference that the inquiry pertains to the applicant's tenure at Zilla Parishad, Buldhana from 10/07/2009 to 08/08/2012. There is no denial that the allegation of misconduct relates to aforesaid period. The applicant got superannuated on 31/05/2015, meaning thereby, departmental action has been initiated after retirement. The situation is governed by Rule 27 (2) (b) of the Rules of 1982 which reads as below –

"27. Right of Government to withhold or withdraw pension -

(1) -----

(2) (a) -----

(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment-

(i) shall not be instituted save with the sanction of Appointing Authority,

(ii) shall not be in respect of any event which took place more than four years before such institution, and

(iii) shall be conducted by such authority and at such place as the Government may direct and in accordance with the

procedure applicable to the departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.”

3. Thus, it is abundantly clear that if a departmental proceeding is not instituted during service period, then it falls under circumstances mentioned in sub clause (i) to (iii) of the clause (b) of Rule 27 of the Pension Rules. There is a clear mandate under sub clause (ii) that it shall not be in respect of event which took place more than four years before such institution. It means that four years before institution of charge sheet and thus, the event must be within four years from institution of charge sheet, i.e., preceding to four years of 30/12/2017. As referred above, the incident was occurred in between 10/07/2009 to 08/08/2012, meaning thereby, action of initiation is against the provisions of Rule 27 (2) (b) (ii) of the Rules of 1982. In the circumstances, the action would not sustain as per Rules. Moreover, it requires to be noted that though alleged misconduct was prior to 2012 for three years, i.e., till superannuation, no action was initiated. In the circumstances, the belated inquiry, that too after superannuation, is wholly unjustified.

4. In view of above, Original Application is allowed. We hereby quash and set aside the impugned charge memo dated 30/12/2017 and hold that the applicant is entitled for all consequential benefits in

accordance with law. The Original Application stands disposed in above terms.

(Nitin Gadre)
Member(A).

(Justice Vinay Joshi)
Vice Chairman.

Dated :- 21/04/2026.

dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman and
Member (A).

Judgment signed on : 21/04/2026.*