

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.304 OF 2025

**DISTRICT : Sangali
SUB : D.E.**

Shri Ajay Uttam Pawar)
Age 52 Years, working as Deputy Collector,)
Collector Office, Sangali.)
R/at Flat No.301, Chitra Rekha Apartment,)
Vishrambagh Chowk, in front of Khare)
Mangal Karyalaya, Sangali 416415.).....**Applicant**

V/s

The State of Maharashtra, through)
the Principal Secretary Revenue and Forest)
Department, Mantralaya, Mumbai 400 032.).....**Respondent**

Smt. Punam Mahajan, learned Advocate for the Applicant.

Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondent.

CORAM : Hon'ble Shri M. A. Lovekar, Vice-Chairman.
Hon'ble Shri A. M. Kulkarni, Member (A)

Reserved on : 06.05.2025

Pronounced on : 07.05.2025

Per : Hon'ble Shri M. A. Lovekar, Vice-Chairman.

ORDER

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondent.

2. Case of the Applicant is as follows. The Applicant joined Government service on 12.08.1999 as Tahsildar. On 31.01.2007

Crime No.23/2007 was registered on complaint of one Shri Sunil Chavan against the Godown Keeper Shri Prabhakar Rokade at Police Station Pandharpur, District Solapur. Later on, the Applicant was added as the co-accused in the aforesaid crime under Sections 409, 420, 467, 471 & 201 read with 34 of Indian Penal Code. The charge-sheet was submitted in the Court of learned JMFC, Pandharpur on 21.12.2009. The charges against the Applicant and co-accused were that in furtherance of common intention, they had misappropriated food grains entrusted to them for allotment as per Government Policy and they had committed criminal breach of trust by misappropriating amount of Rs.2,27,754/-. The charges of cheating, forgery and causing destruction of evidence were also levelled.

By charge-sheet dated 06.04.2009 Respondent No.1 initiated Departmental Enquiry against the Applicant. The charges in the Departmental Enquiry were as follows :-

“a) That the applicant had misappropriated government funds amounting to Rs 6,67,022/- between the period 13/02/2004 to 31/05/2007 when the applicant was working as Tehsildar, Pandharpur. A deficiency of 86.86 quintal of rice grain and 156.89 quintal Wheat Grains was found out upon physical inspection of the godown by the concerned officers. The applicant also failed to maintain registers as per the prescribed rules of the grains received

and delivered, to hand over all the registers and necessary information to inspection committee at the time of inspection.

b) That the accused did not inspect the Taluka Head Office Godown even once in three months and did not inspect all the godowns in the Taluka every month. That the accused did not submit the stock records, godown review registers to the senior officials.

c) That the applicant did not delegate his duties properly to the supply inspectors who were supposed to be juniors to the applicant. That the applicant did not take detailed report from the supply inspectors regarding default in physical stock and stock on records, entry in visit book registers and misappropriation of stock if any upon monthly and quarterly inspection visits. That the applicant did not maintain these records of the supply inspectors and did not submit the report of these monthly and quarterly inspections to the seniors in the department and District.

d) That the applicant also failed to maintain registers as per the prescribed rules of the grains received and delivered, to hand over all the registers and necessary information to inspection committee at the time of inspection. That the applicant failed to send the up to date registers between the period of August to September 2006 of the Karkamb Godown and that the applicant failed to notify the Inspection Committee of any misappropriation.

e) That the applicant being a Supply Head of the Taluka did not undertake surprise inspection of the godown and did not maintain the godown administration properly to prevent any Government loss of property.

f) That the applicant did not take any action against the people responsible for misappropriation of food grain stock and did not also inform the inspectors and seniors regarding the same, this showed clear abetment of misappropriation of Government property on the part of the applicant.”

In Departmental Enquiry one Shri C. N. Randive was appointed as Enquiry Officer. By letter dated 18.12.2014 said Enquiry Officer returned charge of Departmental Enquiry to Respondent No.1 due to unavailability of documentary evidence.

Thereafter, by order dated 17.03.2023 Shri Sachin Temgire, Divisional Departmental Enquiry Officer, Pune was appointed as Enquiry Officer. He wrote letters dated 24.05.2023, 09.08.2023 and 17.01.2025 to Respondent No.1 to forward all enquiry related documents to him so as to enable him to proceed with the enquiry.

In the meantime, by judgment dated 15.10.2024 JMFC (Court No.7), Pandharpur acquitted the Applicant (and co-accused) of all the charges viz. under Sections 409, 420, 467, 468, 471, 201, 120B, 109 read with 34 of the Indian Penal Code.

Thereafter, the Applicant made representations to Respondent No.1 on 30.10.2024 and 12.11.2024 praying for dropping the Departmental Enquiry on account of acquittal in Criminal Case but to no avail.

By order dated 10.03.2025 persons juniors to the Applicant have been given selection grade. Apparently, because of pendency of the impugned Departmental Enquiry said benefit has not been extended to him.

Alleged acts which resulted in launching of prosecution and initiation of Departmental Enquiry are of the year 2006-2007. The charge-sheet of Departmental Enquiry was issued in the year 2009. The Departmental Enquiry is, in effect, yet to begin. Thus, it has remained pending for inordinately long period. Hence, the same deserves to be quashed and set aside and direction be given to Respondent No.1 to extend all consequential benefits to the Applicant including extension of selection grade w.e.f. 10.03.2025. Hence, this Original Application.

3. The Respondent has not filed reply. The matter was heard finally on 06.05.2025.

4. Following facts are required to be reiterated. Acts of alleged delinquency of the Applicant are of the year 2006-2007. On same allegations Crime No.23/2007 was registered against the Applicant and one Shri Prabhakar Rokade who was Godown Keeper. The charge-sheet of Criminal Case was filed in the Court of JMFC,

Pandharpur on 21.12.2009 leading to registration of RCC No.619/2009. The charge-sheet of Departmental Enquiry was issued on 06.04.2009. The first Enquiry Officer expressed his inability to conduct the enquiry against the Applicant for want of enquiry related papers and also on account of his failing health. He communicated this by letter dated 18.12.2014. Thereafter, for nearly 9 years nothing was done. Ultimately, by order dated 17.03.2023 another Enquiry Officer was appointed. He sent 3 letters to Respondent No.1 to provide to him enquiry related papers so that he could proceed with the enquiry. These papers do not appear to have been furnished to him so far. In the meantime, by judgment dated 15.10.2024, the Applicant and co-accused came to be acquitted of all charges. On 06.05.2025 a statement was made by learned C.P.O. that against judgment dated 15.10.2024, the State has not filed appeal.

5. The Applicant has relied on ***Prem Nath Bali V/s Registrar, High Court of Delhi & Another, (2015) 16 SCC 415***. In this ruling it is observed and held-

“25) We are constrained to observe as to why the departmental proceeding, which involved only one charge and that too uncomplicated, have taken more than 9 years to conclude the departmental inquiry. No justification was forthcoming from the respondents’ side to explain the undue delay in completion of the departmental inquiry except to throw blame on the appellant’s conduct which we feel, was not fully justified.

26) Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

27) As a matter of experience, we often notice that after completion of the inquiry, the issue involved therein does not come to an end because if the findings of the inquiry proceedings have gone against the delinquent employee, he invariably pursues the issue in Court to ventilate his grievance, which again consumes time for its final conclusion.

28) Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavour to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”

6. By applying the ratio laid down in **Prem Nath Bali** (Supra) to the facts of the case the impugned Departmental Enquiry deserves to be quashed and set aside. It is accordingly quashed and set aside. All consequential benefits of monetary nature to which the

Applicant is found entitled by virtue of determination made as above by this Tribunal shall be extended to him within 3 months from today. Respondent No.1 shall consider case of the Applicant for extending selection grade w.e.f.10.03.2025 on its own merits. The Original Application is allowed in these terms with no order as to costs.

Sd/-

(A.M. Kulkarni)
Member (A)

Sd/-

(M. A. Lovekar)
Vice-Chairman

Place: Mumbai

Date : 07.05.2025

Dictation taken by: V. S. Mane

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