

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.753 OF 2021

**DISTRICT : Pune
SUB : D.E.**

Shri Rajeev Kamalakar Bhosale)
Age 51 Years, Working as Assistant)
Commissioner, R/at Raut Baug, Dhankwadi)
Pune – 411 043.)....**Applicant**

V/s

1. The State of Maharashtra, through)
the Secretary, Social Justice & Special)
Assistant Dept., Mantralaya,)
Mumbai 400 032.)
2. The Commissioner, Commissionerate)
Of Social Welfare 3, Charch Road,)
Maharashtra State, Pune 411 001.)
3. The Director, Directorate of V. J. N. T. &)
O.B. C. Social Justice & Special)
Assistant Department, Pune.).....**Respondents**

Smt. Punam Mahajan, learned Advocate for the Applicant.

Smt. Archana B. K., learned Presenting Officer for the Respondents.

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.

JUDGEMENT

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Facts leading to this Original Application are as follows. The Applicant was appointed as Class-II Officer by order dated 9-5-1995. He was promoted as Assistant Commissioner, Group-A on 21-1-2002. He was subjected to various Departmental Enquiries details of which are as under :-

Sr. No.	Date of incidence	Charge sheet	Enquiry Started	Enquiry Completed	Final order/Punishment
1	14/04/2001 to 23/04/2001 to 30/05/2001 to 31/05/2001	07 Charges: Without prior permission absent for meeting. Not attended Govt. Function - Absent in Samta forth- night, etc.	03/07/2008	Report submitted on 21/06/2008	31/03/2009. Stoppage of one increment without affecting further increment for one year.
2	08/10/2003	03 Charges: Unauthorized absent. Not reporting duty on the post of Research Officer Pune. Informed for not attending duties but not submitted medical certificate.	Memo dated 15/02/2007	Report submitted on 20/01/2011	No orders issued till-date
3	2002-2003	03 Charges	Memo dated 05/07/2008	31/10/2011	21/05/2013- Acquitted
4	29/09/2009 to 02/10/2009	03 Charges. Not attended meeting	Memo dated 12/07/2010	-----	SCN dated 26/08/2019. No final order.
5	04/07/2003 to 8/10/2003	01 Charge : Scholarship	29/08/2011 to 13/06/2012	30/09/2012 actual received on 23/12/2012	06/03/2014. Stoppage of one increment without affecting further increment for one year.
6	2009	04 Charges	Memo 26/10/2010	----	28/12/2010. Censured.

He was then served with a charge-sheet dated 20-4-2015 which contained the following solitary charge-

“दोषारोप क्र.१ :-

श्री आर. के. भोसले हे तत्कालिन विशेष जिल्हा समाजकल्याण अधिकारी, सोलापूर म्हणून कार्यरत असताना अनुदानित आश्रमशाळांमधील शिक्षक व शिक्षकेत्तर कर्मचा-यांच्या संस्थेने केलेल्या नियुक्तींना अधिकाराचा गैरवापर करून नियमबाह्यपणे मान्यता दिलेल्या आहेत. श्री. भोसले यांनी अधिकाराचा गैरवापर करून मागासवर्गीयांच्या आरक्षणाचा विचार न करता अनियमित नियुक्त्यांना मान्यता देवून त्यांनी महाराष्ट्र नागरी सेवा (वर्तपूक) नियम १९७९ मधील नियम ३ मधील तरतुदींचा भंग केलेला आहे.”

On 6-7-2015 the Applicant submitted his reply to the charge-sheet, to Respondent No.1.

By order dated 13-9-2019 Inquiry Officer was appointed. On 31-1-2020 order of appointment of Inquiry Officer was communicated to the Applicant. By application dated 10-2-2020 the Applicant sought copies of some documents to prepare his defence. By letter dated 18-8-2021 the Applicant was informed that hearing in Departmental Enquiry would take place on 23-8-2021. On 20-9-2021 the Applicant filed this Original Application claiming following relief –

“(a) That this Hon’ble Tribunal be pleased to quash and set aside the Departmental Enquiry initiated by the charge sheet dated 20/04/2015 and letter dated 18/08/2021 and grant all the consequential service benefits such as promotion, deemed date, arrears of pay fixation, etc. to the Applicant.”

By order dated 5-10-2021 this Tribunal stayed the inquiry on account of inordinate delay and limitation.

3. Pleading of Respondents 1 and 2 is that two more Departmental Enquiries are pending against the applicant and in connection with these two inquiries the Applicant has filed separate Original Applications. Two more inquiries were conducted against the Applicant and those have been concluded. The Departmental Enquiry which is the subject matter of this Original Application could not be concluded because of order of stay passed by this Tribunal. If stay is vacated the inquiry would be completed within 4 weeks. With such directions the Tribunal may dispose of the Original Application.

4. In support of the prayer made in the application, reliance is placed 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.”

5. It was submitted by Adv Smt. Mahajan that considering the ratio in **Prem Nath Bali** (supra) and facts of the case, the impugned Departmental Enquiry is required to be quashed and set aside. We have discussed the chronology which reveals how the impugned Departmental Enquiry was delayed. The Respondents

could not furnish any justification for inordinate delay in proceeding with the inquiry when order of stay was passed on 5-10-2021. Our attention was invited to the period of alleged delinquency of the Applicant which was from 22-5-1998 to 16-6-1998 and from 1-9-1999 to 28-5-2000. On the said charge charge-sheet was issued on 20-4-2015. Inquiry Officer was appointed on 13-9-2019. First date of hearing in Departmental Enquiry was given to be 23-8-2021. Considering these details order of stay was passed. Under the circumstances the Applicant can be said to have made out a case for quashing the Departmental Enquiry initiated by charge-sheet dated 20-4-2015. Said proceeding is quashed and set aside. All consequential benefits to which he is found entitled by virtue of determination made as above by this Tribunal shall be extended to him within 3 months from today. 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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