

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 664 of 2020 (D.B.)

Bhagwat S/o Nagorao Lad,
Aged 57 years, Occ. Service,
R/o House No.760 B,
Bhankheda, Nagpur-18.

Applicant.

Versus

- 1) State of Maharashtra ,
through its Principal Secretary,
Public Health Department,
10th floor GT Hospital Campus Building,
New Mantralaya, Fort, Mumbai-01.
- 2) Director of Public Health,
Aarogya Bhavan, St. Georges Hospital
Compound, P.D. Mello Road, CST, Mumbai-01.
- 3) Deputy Director of Health Services,
Nagpur Region, Mata Kacheri Compound,
Shradhanand Peth, Nagpur.
- 4) Civil Surgeon,
General Hospital, Gondia.

Respondents.

Shri N.D. Thombre, Advocate for the applicant.
Shri A.M. Ghogre, learned P.O. for respondents.

Coram :- Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.

Dated :- 17/03/2023.

JUDGMENT

Per : Shri Justice M.G. Giratkar, Vice-Chairman.

Heard Shri N.D. Thombre, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

2. As per the submission of learned counsel for the applicant, the applicant is facing the departmental inquiry since 2019. As per his submission, the respondents cannot continue the departmental inquiry for a long time.

3. The learned counsel for the applicant has relied on the Judgment of Hon'ble Supreme Court in the case of ***Premnath Bali Vs. Registrar, High Court of Delhi & Ano., AIR 2016 SCC 101*** and submitted that as per the guidelines given by the Hon'ble Supreme Court in the case of ***Premnath Bali Vs. Registrar, High Court of Delhi & Ano.(cited supra)***, the departmental inquiry is to be completed within a period of six months and outer limit is given one year.

4. The learned counsel for the applicant has submitted that more than one year the applicant is facing the departmental inquiry and therefore prayed to quash the charge sheet.

5. Heard Shri A.M. Ghogre, learned P.O. for the respondents. He has pointed out the recent Judgment of Hon'ble Supreme Court in the case of ***State of M.P. & Ano. Vs. Akhilesh Jha***

& Ano., 2022 (1) Mh.L.J.,557 and submitted that the specific direction was given by the Hon'ble Supreme Court to complete the departmental inquiry within stipulated time. Such direction can be given in this matter also.

6. The learned counsel for the applicant Shri N.D. Thombre has submitted that in the case of **State of M.P. & Ano. Vs. Akhilesh Jha & Ano.** (*cited supra*), the Hon'ble Supreme Court has not considered the Judgment of **Premnath Bali Vs. Registrar, High Court of Delhi & Ano.** (*cited supra*) and it is also not overruled.

7. The Judgment of Hon'ble Supreme Court in the case of **State of M.P. & Ano. Vs. Akhilesh Jha & Ano.** (*cited supra*) is the recent three Judges Bench Judgment of the Hon'ble Supreme Court. Whereas, the Judgment of **Premnath Bali Vs. Registrar, High Court of Delhi & Ano.** (*cited supra*) is of the two Judges Bench Judgment of Hon'ble Supreme Court. Therefore the recent Judgment is applicable. In view of the Judgment of Hon'ble Supreme Court in the case of **State of M.P. & Ano. Vs. Akhilesh Jha & Ano.** (*cited supra*), Charge sheet cannot be quashed. At the most, we can direct the respondents to complete the departmental inquiry within a stipulated period.

8. In view of above discussion, we pass the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to complete the departmental inquiry within a period of nine months from the date of this order.
- (iii) No order as to costs.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

Dated :- 17/03/2023.

dnk.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 17/03/2023.

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