

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.1168/2023 (D.B.)

Shri Sunil S/o Deorao Masare,
Aged about 52 years,
Occupation : Service (Now Nil),
Resident of Ghodpet, Tahsil Bhadrawati,
District Chandrapur.

Applicant.

Versus

1. The State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya Mumbai-32.
2. The Collector,
Chandrapur, Tahsil and District Chandrapur.
3. Sub Divisional Officer,
Chimur, Tahsil Chimur, District Chandrapur.
4. Tahsildar,
Tahsil Office, Sindewahi, Tashil Sindewahi,
District Chandrapur.

Respondents.

Shri R.L.Kadu, Ld. Counsel for the applicant.
Shri S.A.Sainis, Ld. P.O. for respondents.

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

Dated:- 25th August, 2026.

JUDGMENT

Per :- Court

Heard finally, with the consent of both learned counsels.

2. The applicant has impugned herein the order dated 30.08.2022 of imposition of major penalty of compulsory retirement issued by respondent no.2, the Collector, Chandrapur. The punishment was imposed after a full-fledged enquiry. Though there is a provision of appeal, the applicant has not preferred appeal. However, since the matter is pending before the Tribunal for last three years, we undertake to invoke our jurisdiction to decide the lis.

3. The departmental enquiry was initiated on the following charges.

Charge No.1. - On 31.08.2017, the applicant was found under the influence of alcohol at the place of employment.

Charge No.2. - The applicant is in the habit of frequently remaining absent.

Charge No.3. - The applicant used to drive the vehicle under the influence and did not maintain the vehicle in a proper way.

Charge No.4. - The applicant has not taken entries of office tours in the logbook.

4. The department has examined four witnesses. The Enquiring Officer held that Charge Nos.1 and 3 are not proved. However, Charge No.2 of absenteeism and Charge No.4 of not maintaining the logbook are proved. The enquiry report was forwarded to the Disciplinary Authority for consideration. The impugned order discloses that the Disciplinary Authority did not agree with the findings of the Enquiry Officer to the extent of Charge No.1. If that is so, the Disciplinary Authority ought to have recorded a tentative finding as per Rule 9(2) of The Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 and would have served on the

delinquent, which he did not. Therefore, Charge No.1 cannot be taken into consideration. Charge No.3 pertains to driving a government vehicle under the influence of alcohol, however, he was already punished for the said act, therefore the Disciplinary Authority also agreed with the finding that the said charge would not survive.

5. So far as Charge No.2 of absenteeism and Charge No.4 about non-maintenance of logbook are concerned, enquiry report indicates that, there are no details regarding the period of absenteeism as well as the period when logbook was not maintained. Undisputedly, the punishment shall be in proportion to the misconduct committed by the delinquent. The enquiry report indicates that several notices were served, however, the applicant did not reply. However, it requires to be assessed as to whether consistently the applicant was remaining absent and what was the duration or the period of absence. We are at loss to find out the details about absenteeism and the particulars of logbook, as the same is not part of the enquiry report.

6. We are of the view that the punishment of compulsory retirement is shockingly disproportionate as concerned to the nature of proved charges of absenteeism and non-maintenance of logbook. The Authority needs to reconsider the said aspect and to take a decision of imposing proportionate punishment by scaling down from the punishment of compulsory retirement. The said decision shall be taken by considering the factual aspect and details about the material adduced to prove Charge Nos.2 and 4. Since the applicant is not in service, by following the principle of “no work, no pay” the applicant is not entitled for the pay regarding his absence. In view of that, the following order-

ORDER

- (i) The Original Application is partly allowed.
- (ii) The impugned order of compulsory retirement dated 30.08.2022 is hereby quashed and set aside.
- (iii) The applicant shall be reinstated in service, but he is not entitled for back wages.
- (iv) The Disciplinary Authority shall give a right of hearing and pass fresh order of imposition of punishment by scaling down from the punishment of compulsory retirement.

(v) The consequential order of reinstatement shall be passed within two months from today.

(vi) No order as to costs.

(Nitin Gadre)
Member(A)

(Justice Vinay Joshi)
Vice Chairman

Dated – 25/08/2026
rsm.

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

Name of Steno : Raksha Shashikant Mankawde.
Court Name : Court of Hon'ble Vice Chairman
& Hon'ble Member (A).
Judgment signed on : 25/08/2026.
and pronounced on*