Thakur

[Spl/MAT/F-5/E]

## MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 1327 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 13 APR 2016

**M.A. No. 140/2016 IN O.A. Nos. 187 & 208 OF 2013.**
**(Sub :- Termination)**

1. Additional Commissioner of Sales Tax, Thane Zone, Sales Tax Office, District Collector Office, Court Naka, Thane (w).

**....APPLICANT/S.(Ori. Resp.)**

**VERSUS**

1. Shri Shashikant G. Patil, (O.A. No. 187/2013)
2. Smt. Lata R. Bhosale, (O.A. No. 208/2013)

C/o. Shri A.V. Bandiwadekar, Advocate for the Respon

**...RESPONDENT/S (Ori. Appli.)**

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the* ***07th*** day *of* ***April, 2016*** *has made the following order:-*

APPEARANCE : Shri A.J. Chougule, P.O. for the Applicant (Ori. Resp.)
Shri A.V. Bandiwadekar, Advocate for the Respondents (Ori. Appli.)

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**
**HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **07.04.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

13/4/2016

***Research Officer,***
***Maharashtra Administrative Tribunal,***
***Mumbai.***

*E:\Sachin\Judical Order\ORDER-2016\April-16\12.04.2016\M.A. No. 140 of 16 IN O.A. Nos. 187 & 208 of 13-07.04.16.doc*

7

(5)

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

## FARAD CONTINUATION SHEET NO.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | |

MA No.140 of 2016 in OAs. No.187 & 208 of 2013

Addl. Commissioner of Sales Tax,
Thane ..Applicant

versus

1. Shri S.G. Patil (OA.187/12)
2. Smt. L.R. Bhosale (OA.208/13)..Respondents

Heard Shri A.J. Chougule, learned Presenting Officer for the Applicant-original Respondent and Shri A.V. Bandiwadekar, learned Advocate for the Respondents-original Applicants.

2. This MA is for extension of time to comply with our directions dated 9.10.2015 in the above disposed off OAs.

3. Shri Bandiwadekar, Ld. Advocate causes appearance for the present respondents-original applicants in the OAs. He makes a statement that his client does not want to file affidavit in reply hereto.

4. By order dated 9.10.2015 while quashing and setting aside the orders of termination we directed the present applicant to hold DE against the present respondents and complete the same within a period of six months from 9.10.2015. We made it specifically clear that they would also pass final orders therein within prescribed period of six months. We made it clear that, "in the event, the departmental enquiries as just directed is not completed within six months, the Applicants will

3



| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | have to be reinstated without any further reference to this Tribunal, but even in that event, the departmental enquiries could proceed till their conclusion". |
| | 5. In the set of above circumstances, the present MA has been moved. The deponent thereof Shri D.B. Palande, Assistant Commissioner of Sales Tax has averred inter alia that the Enquiry Officer and the Presenting Officer came to be appointed on 15.12.2015 and 17.12.2015 respectively. Notices were issued. The EO sent a letter on 16.3.2016 to the office and demanded the presence of witnesses before him. The witnesses are residents of Sangli and Satara and 'it requires more time". Therefore, the EO has sought extension of three months. |
| | 6. We do not have to really say much of our own. The dates above referred to speak for themselves in so far as the complete callousness and negligence with which the things have moved in the matter of the DEs. The time of six months even otherwise was more than sufficient and in any case the consequences that the enquiry being not completed where the reinstatement of the original applicants and the DEs could still continue. Therefore, we find absolutely no justification for granting any extension of time and it is not without some strain on the judicial nerves that we have restrained ourselves from imposing prohibitive cost. MA is, however, dismissed with no order as to costs. |
| DATE: 7/4/16<br>CORAM:<br>Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)<br>Hon'ble Shri R. B. MALIK (Member) J<br>APPEARANCE:<br>Shri/Smt. A.J. Chougule<br>~~Advocate~~ P.O. for the Applicant<br>Shri/Smt. A.V. Bandiwadekar<br>~~C.P.O/P.O.~~ Adv. for the Respondents<br>Adj. M.A. is dismissed. | Sd/- (R.B. Malik) Member (J) 7.4.2016<br>Sd/- (Rajiv Agarwal) Vice-Chairman 7.4.2016<br>(sgj) |

TRUE COPY
13/4/2016
Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai