

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

MISC. APPLICATION NO.104 OF 2017
IN
ORIGINAL APPLICATION No.551 of 2016

1. The State of Maharashtra, through)
Secretary, Agriculture, Animal)
Husbandry and Dairy Department,)
Mantralaya, Mumbai 32.)
2. The Commissioner of Agriculture,)
Maharashtra State, Pune.)..Applicants (Ori.Rest.)

Verses

Shri Chandrakant S. Gaikwad)
Flat No.43, Niko Garden, Tulip)
Buildig, Vimal Nagar, Pune 411 014.)..Respondent (Ori.Appl.)

Ms N.G. Gohad, Presenting Officer for the Applicants (Ori. Respondents)

Shri C.T. Chandratre, Advocate for the Respondent (Ori. Applicant)

CORAM : SHRI R.B. MALIK (MEMBER-JUDICIAL)

DATE : 07.03.2017

ORDER

1. Heard Ms N.G. Gohad, the learned P.O. for the Applicants (Ori. Respondents) and Shri C.T. Chandratre, the learned Advocate for the Respondent (Ori. Applicant).

2. The Original Respondents being State hereby seeks extension of time by two months for complying with my order dated 31.08.2016. It read as follows:-

“This OA can very safely be disposed of at this stage itself. I have perused the record and proceedings and heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

The relief herein sought is in the nature of questioning the continuation of the disciplinary proceedings despite delay and hence, quashing thereof.

At this stage, I consider it unnecessary to set out the facts in great detail. The charge-sheet was issued on 14.8.2012. Therefore, it can by no stretch of imagination be said that it is not vitiated by delay. However, in an attempt to balance the interest of both the sides, I am so disposed as to hold that the outer time limit should be fixed for the completion of the DE in every respect including the passing of the final order and if during that period, the enquiry is not fully completed as just mentioned, the said DE shall stand quashed and set aside and all concerned will move in the matter as if the DE was no more pending. Time limit is of six months from today and the OA is disposed of with these observations with no order as to costs.”

3. It would become very clear from the above order that I was called upon and I had in fact balanced the rival interest. I am informed at the bar that the events giving rise to the D.E. were the year of 2010, the charge-sheet was issued on 14.08.2012 and remained pending till such time as the O.A. was brought on 10.06.2016. Six months time was given which in my opinion was quite sufficient. In the manner of speaking, it was a self operating order and enquiry had to be completed within a period of six months in every respect and if it was not completed the D.E. “shall stand quashed and set aside”. That eventuality has already occurred.

4. I have perused the record and proceedings and heard Ms N.G. Gohad, the learned P.O. for the present Applicants being Original Respondents and Shri C.T. Chandratre, the learned Advocate for the present Respondent being the Original Applicant. It appears that today is the first day of this M.A. No reply has been filed by the Original Applicant and to my mind none is necessary.

5. Turning to the application after setting out the earlier order dated 31.08.2016, it is mentioned that vide letters dated 28.09.2016 and 17.10.2016, the Regional Departmental Enquiry Officer was told to complete the enquiry within the time limit set by this Tribunal. This communication was apparently received on 03.10.2016. The second communication was made actually by the office of the Agriculture Commissioner, Pune on 17.10.2016 to the P.O. and the Administrative Officer of Nagpur division.

6. It is very clear from the above discussion that much as in duty bound, the learned P.O. would submit that the matter was treated with due dispatch, I am afraid the record does not bear out such a claim. The learned P.O. placed on record the material to show and which is taken on record that on 27.02.2017 a copy of the report has been furnished to the Original Applicant which still does not solve the main issue of the enquiry getting completed "in every respect" within six months. When such directions are given the Tribunal obviously has to take into consideration the rival interests. I have already mentioned above as to how initially itself there was a delay which was specifically noted by me in my order dated 31.08.2016. I am, therefore, satisfied that I am not satisfied about the cause assigned to adhere to the time limit set up in my order above referred to.

7. The Misc. Application is accordingly, rejected with no order as to costs.

Sd/-
(R.B. Malik)
Member (J)
07.03.2017

Diction taken by :-vsm

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