

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH, NAGPUR**

ORIGINAL APPLICATION NO 253 OF 2017

DISTRICT : NAGPUR

Shri Appaso Balapopa Dhulaj,)
Deputy Commissioner in the office)
Divisional Commissioner, Nagpur.)
R/o: 37/2, Rigved, Anand Nagar,)
Civil Lines, Nagpur 440 001.)...**Applicant**

Versus

The State of Maharashtra)
Through Principal Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai 400 032.)...**Respondents**

Shri A.B Dhulaj, applicant in person.

Shri H.K Pande, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman) (A)

Shri J.D Kulkarni (Vice-Chairman) (J)

DATE : 06.07.2017

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. Heard Applicant in person and Shri H.K Pande, learned Presenting Officer for the Respondent.
2. Learned Presenting Officer files affidavit in reply which is taken on record and a copy is given to the Applicant.
3. The claim of the Applicant is that he is overdue for promotion to the IAS cadre. However, for various reasons on the part of the State Government, like not keeping his ACR records up to date and also keeping D.E pending against him, further progress in his promotion to IAS cannot taken place. According to the Applicant, the progress in the D.E shows that the State Government is not all serious in expeditiously concluding the same. The Applicant states that the proposal to start a D.E against him was given by the Divisional Commissioner, Pune, on 13.6.2013 and the charge sheet was issued to him on 19.7.2014. Though the charge sheet was not properly

served upon him, a copy was given to him from the office of the Divisional Commissioner, Nagpur and on that basis he submitted his written statement of defence on 29.7.2014. As per the Departmental Enquiry Manual, the State Government was required to take a conscious decision after his written statement of defence was received as to whether to start D.E against him or not. However, in the present case, without considering his written statement of defence, the State Government has decided to start a D.E against him and appointed Enquiry Officer on 13.8.2015. The said Enquiry Officer, who is senior functionary of the State Government, namely, Secretary, G.A.D, returned the papers to the Government on 10.9.2015 stating that complete papers were not furnished to him. Till today no steps have been taken to start the D.E against the Applicant.

4. The Applicant prayed that the Respondents may be directed to complete the D.E against him within a stipulated time so that the injustice which is caused to him is not perpetuated.

5. Learned Presenting Officer stated that on 19.6.2017 about 30000 papers have been sent to the Enquiry Officer. The Government is serious in pursuing the D.E and it will be completed expeditiously.

6. The Applicant states that he has not received the papers which are said to have been sent to the Enquiry Officer, nor as he received any communication from the Enquiry Officer about holding of the D.E.

7. From the above narration of facts, it is quite clear that the State Government has not taken any serious steps to ensure that the D.E against the Applicant is completed expeditiously, though we are not making any comments about the merits of the case. However, it does appear that by delaying the enquiry, the Applicant is put to a lot of harassment and prejudice. The Departmental Enquiry Manual clearly provides that D.E should be completed within six months in all respect including imposition of punishment if any. In this case,

the D.E was initiated against the Applicant on 19.7.2014 and three years have already lapsed without any substantial steps being taken by the Respondents to complete the D.E.

8. Having regard to the facts and circumstances of the case, the Respondent is directed to complete the D.E against the Applicant in all respect, including imposition of punishment, if any, if he is found guilty, within a period of four months from the date of this order. If the D.E is not completed within four months, it will stand automatically quashed and set aside without any further reference to this Tribunal. Original Application is accordingly disposed of with no order as to costs.

(J.D Kulkarni)
Vice-Chairman (J)

(Rajiv Agarwal)
Vice-Chairman (A)

Place : Nagpur
Date : 06.07.2017
Dictation taken by : A.K. Nair.