

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 06/2016**

Ashok Kumar Gokulprasad Shukla,  
Aged about 60 years,  
Retired Deputy Commissioner (Development),  
permanent residence of wardha, Tq.& Dist. Wardha.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Rural Development and Jal Sandharan Department,  
through Principal Secretary, Govt. of Maharashtra,  
Mantralaya, Mumbai-32.
- 2) The Divisional Commissioner,  
Nagpur Division, Nagpur.
- 3) The Divisional Commissioner,  
Amravati Division, Amravati.

**Respondents**

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Shri M.R.Rajgure, Advocate for the applicant.

Shri M.I. Khan, P.O. for respondents.

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**Coram:-** Hon'ble Shri B. Majumdar,  
Vice Chairman

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Hon'ble Shri S.S.Hingne,  
Member (J).

**Dated:** - 07 / 07 / 2016.

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**ORDER -**

**PER : MEMBER (J).**

The applicant a retired Deputy Commissioner has filed this O.A., to quash the departmental proceedings and release the DCRG and encashment of leave, the communication dated 3-12-2015 issued by Govt.

2. Heard Shri M.R. Rajgure, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.


3. The applicant retired as Deputy Commissioner (Development) on superannuation on 31-5-2013 (A-1,P-35). While in service, two inquiries were initiated against him (1) The memo was issued on 8-12-2004 (A-3,P-39) and the inquiry was conducted bearing no.1/2013 and the report was submitted on 24-3-2015 (P-161). (2) The memo was issued on 1-11-2008 (A-4,P-56) thereon inquiry bearing no.2/2013 was held and the report was submitted on 27-3-2015 (P-193). Both these inquiries were initiated on the basis of Audit reports. In both the inquiries, the inquiry officer held that one charge in each inquiry is proved partly.

4. From the above material, it is manifest that the inquiries were initiated somewhere in 2004 & 2008 and in both the reports were submitted in March, 2015. In the meantime, the applicant is superannuated on 31-5-2013. No final orders are passed as yet.

*SBL*

5. The learned counsel for the applicant urged that now the departmental enquiries cannot be continued as the employee is retired, particularly when there is no approval and reference of continuation of inquiry in the order of superannuation. In the case of **Madanlal Sharma Vs. State of Maharashtra & Ors.,2004 (Mh.L.J.),581**, it is held by Their Lordships that in case of inquiry initiated while Govt. servant in service, it is necessary that the order is passed intimating the delinquent that the inquiry proceeding shall be continued, even he had attained the age of superannuation. After observing certain lapses in the matter, the petition was allowed and the disciplinary proceedings are quashed.

6. It is held in **Manohar B. Patil. Vs. State of Maharashtra & Ors., 2013 (6) Mh.L.J., 311**, case that the departmental proceedings after superannuation of the employee can be initiated only for limited purpose of taking action contemplated by sub rule (i) of Rule 27 of the Maharashtra Civil Services (Pension) Rules,1982 and in such proceedings no penalty can be imposed. In the case in hand the inquiry is already initiated before retirement of employee but not completed. However, in the cited case Their Lordships relied on the Apex Court's Judgment wherein it is observed that after retirement of the delinquent employee a pending





departmental enquiry lapses in the absence of specific provisions for its continuation after retirement.

7. In view of the above observations made by Their Lordships in both the cases, the respondents cannot proceed with the matter and the O.A. deserves to be allowed.

8. Consequently, the O.A. is allowed. Both the departmental proceedings, so also communication dated 3-12-2015 are quashed. The respondents to release the DCRG and encashment of leave of the applicant within three months from the receipt of the order.

sd/-

(S.S.Hingne)  
Member (J)

dnk.

sd/-

(B.Majumdar)  
Vice-Chairman.