

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No.1026 of 2022 (D.B.)

Varluji S/o Shraavan Kamatwar,
Aged 61 years, retired Deputy Superintendent
of Land Record, Gadchiroli.
Now R/o Vidhyrthi Chowk, Chandrapur.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary, Revenue and forest Department,
Mantralaya, MUMBAI, 32.
- 2) The Settlement Commissioner &
Director of Land Records, M.S., PUNE.

Respondents.

**S/ Shri Bharat Kulkarni, S.M. Pande, Advocates for the applicant.
Shri S.A. Sainis, learned P.O. for respondents.**

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 06/02/2024.

JUDGMENT

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. As per the M.A.T., Principal Bench, Mumbai office order / letter No.MAT/MUM/JUD/1350/2023, dated 21/11/2023, the Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai has given direction to this Tribunal to decide the Division Bench matters if the matter is covered by the Judgments of Hon'ble Supreme Court, Hon'ble High Court and the Benches of the M.A.T. etc.

3. As per the submission of learned counsel for applicant, this O.A. is covered by the various Judgments of the Hon'ble Supreme Court and the Judgment of this Tribunal. Hence, the matter is heard and decided finally with the consent of learned counsel for both the parties

4. The case of the applicant in short is as under –

The applicant is facing departmental enquiry from 2018. Hence, it should be quashed and set aside in view of the Judgment of the Hon'ble Supreme Court in the case of **Prem Nath Bali Vs. Registrar, Delhi High Court & Another, AIR 2016 SCC 101**.

5. Heard Shri S.A. Sainis, learned P.O. for the respondents. The O.A. is strongly opposed by the respondents. It is submitted that departmental enquiry is going on and it will be decided as early as possible.

6. During the course of submission, learned counsel for applicant submits that the applicant is facing departmental enquiry from 2018. In support of his submission pointed out the Judgment of the Hon'ble Supreme Court in the case of **Prem Nath Bali Vs. Registrar, Delhi High Court & Another, AIR 2016 SCC 101**. He has submitted that if the inquiry is not completed within six months, outer limit is one year, thereafter it is to be dropped.

7. The P.O. has pointed out the Judgment of this Tribunal in O.A.No.627/2021. He has pointed out the recent Judgment of the Hon'ble Supreme Court in the case of the ***State of Madhya Pradesh & Ano. Versus Akhilesh Jha & Ano.***, delivered by the Hon'ble Chief Justice Dr Dhananjaya Y Chandrachud. As per this Judgment, at the most direction can be given to decide the departmental enquiry within a stipulated time.

8. After the Judgment of the Hon'ble Supreme Court in the case of ***Prem Nath Bali Vs. Registrar, Delhi High Court & Another, AIR 2016 SC 101***, it is a recent Judgment of the Hon'ble Supreme Court in the case of the ***State of Madhya Pradesh & Ano. Versus Akhilesh Jha & Ano.*** In this Judgment, the direction was given by the Hon'ble Supreme Court to decide the departmental enquiry within a stipulated period. Hence, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to complete the departmental enquiry pending against the applicant within six months from the date of this order.
- (iii) No order as to costs.

Dated :- 06/02/2024.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 06/02/2024.