

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No.1089 of 2021 (D.B.)**

Diwakar s/o Wasudeorao Dehankar,  
aged 59 years, occupation : Retired Deputy Engineer,  
resident of Plot No.88- A, Jawahar Nagar,  
in front of State Bank of India, Manewada Road, Nagpur -440024.

**Applicant.**

**Versus**

The State of Maharashtra,  
through its Chief Secretary, Public Works Department,  
Mantralaya, Mumbai -400032.

**Respondents.**

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

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

**Dated :- 06/02/2024.**

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**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. As per the submission of learned counsel for the applicant, the departmental enquiry is pending since 2017 and therefore 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 SC 101**, the departmental enquiry is liable to be quashed.

5. Heard Shri S.A. Sainis, learned P.O. for the respondents. 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 in which it is held that the departmental enquiry cannot be quashed, at the most direction can be given to decide the departmental enquiry within a stipulated time. The learned P.O. has also pointed out the Judgment of this Tribunal in O.A.627/2021, decided on 18/01/2022. Hence, the following order –

**ORDER**

(i) The O.A. is partly allowed.

(ii) The respondents are directed to decide 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.

dnk.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

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.