

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 259 of 2019 (S.B.)

Lalit Prahladrao Ingle,
Aged about 58 years,
R/o Plot No.13, Gopal Colony,
Borkute Layout, Narendra Nagar,
Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Water Resources,
Mantralaya, Mumbai-32.
- 2) Chief Engineer,
Department of Water Resources,
Nagpur.

Respondents.

Shri N.R. & Smt. K.N. Saboo, M. Jaiswal, Advs. for the applicant.

Shri V.A. Kulkarni, P.O. for respondents.

**Coram :- Hon'ble Shri Anand Karanjkar,
Member (J).**

Dated :- 29/01/2020

JUDGMENT

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The applicant was serving as Executive Engineer in the year 2017. The applicant was promoted as ad-hoc Superintending Engineer vide order dated 31/3/2017. The disciplinary proceeding was pending against the applicant since year 2010. The disciplinary

proceeding was concluded. The respondent no.1 held that the applicant was guilty of the misconduct and as per the order Annex-A-10 dated 22/06/2018, the applicant was brought down by 8 stages for three months without permanent effect. It was also observed in the order that the punishment would not affect his pension.

3. The Government issued Notification Annex-A-5 dated 31/10/2018 by which the applicant stood retired from the Government service on 31/10/2018 as Superintending Engineer, Nagpur Irrigation Department.

4. It is grievance of the applicant that thereafter without giving opportunity of hearing order Annex-A-7 was passed by the respondent no.1 on 28/03/2019. As per this order, it was held by the respondents that in view of the G.R. dated 15/12/2017 as the applicant was awarded punishment in the disciplinary proceeding by bringing him down in the pay scale, therefore, it was necessary to withdraw the ad-hoc promotion as Superintending Engineer and consequently the respondent no.1 passed order and withdrew the promotion of the applicant.

5. The learned counsel for the applicant submitted that the applicant was promoted vide order dated 31/3/2017 at that time the G.R. dated 15/12/2017 was not in existence, consequently, error in law is committed by the respondents in applying the G.R. dated

15/12/2017 for withdrawing the promotion of the applicant. The second submission is that the applicant had preferred the appeal for challenging the punishment awarded to him and the Hon'ble Governor of Maharashtra allowed the appeal and set aside the punishment awarded to the applicant vide order dated 22/06/2018. Thus, it seems that the applicant is exonerated from the disciplinary proceeding and consequently there remains no substance in the order dated 28/03/2019. Hence, I pass the following order –

ORDER

The impugned order dated 28/03/2019 is hereby quashed and set aside. The respondents are directed to restore the status of the applicant as ad-hoc Superintending Engineer, as he was at the time of his retirement. If any amount is recovered is from the applicant as per the orders dated 22/06/2018 and 28/03/2019, then amount recovered be re-paid to the applicant within a period of three months. No order as to costs.

Dated :- 29/01/2020.

(A.D. Karanjkar)
Member (J).

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 29/01/2020.

Uploaded on : 30/01/2020.

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