

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 550 of 2022 (D.B.)**

Sadaram Zingarrao Kumare,  
Aged 62 years, Occ. Retired,  
R/o 49, Krishi Nagar, Arni Road,  
Yavatmal-445 006.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Additional Chief Secretary,  
Co-operation, Marketing and Textile Department,  
Mantralaya, Mumbai-32.
- 2) The Co-operation Commissioner and Registrar,  
Co-operative Societies, Maharashtra State,  
Central Building, Pune-411 001.

**Respondents.**

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**Shri R.M. Fating, Advocate for the applicant.**  
**Shri H.K. Pande, learned P.O. for respondents.**

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

**Dated :- 31/01/2023.**

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**JUDGMENT**

**Per : Shri Justice M.G. Giratkar, Vice-Chairman.**

Heard Shri R.M. Fating, learned counsel for the applicant  
and Shri H.K. Pande, learned P.O. for the respondents.

2. The applicant was working as a District Special Auditor,  
Class-I, Cooperative Societies at Yavatmal. He was promoted on the

post of Divisional Joint Registrar and posted as a Divisional Joint Registrar, Cooperative Societies (Audit), Amravati Division, Amravati. During the course of his posting as a Divisional Joint Registrar at Amravati, the applicant unearth cases of irregularities in various Credit Cooperative Societies and registered First Information Reports (FIRs) against the office bearer of the Society. As a consequence, false allegations were levelled and various complaints were made against the applicant, so also Writ Petition No.1950/2012 has been filed against the applicant before the Hon'ble Bombay High Court, Bench at Nagpur. The Hon'ble Bombay High Court, Bench at Nagpur directed the respondent no.2 to treat the Writ Petition as a complaint against the applicant and decide whether any action needs to be initiated. On 25/09/2012, the respondents without verifying the facts, without any notice and without extending any opportunity of hearing, suspended the applicant.

3. On 26/07/2013, the applicant has been reinstated in the service by respondent no.1. On 29/07/2013, the respondent no.1 issued charge sheet against the applicant under Section 8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. On 22/08/2013, the applicant immediately submitted his explanation. The respondent no.1 appointed Inquiry Officer on 30/10/2013. Since then inquiry is pending, it is not completed since long, therefore, the

applicant approached to this Tribunal to quash the departmental inquiry pending against him and for direction to the respondents to pay him pension and other pensionary benefits.

4. The O.A. is strongly opposed by the respondents. It is submitted that the inquiry is going on. At last, submitted that the O.A. is liable to be dismissed.

5. During the course of argument, the learned counsel for the applicant has pointed out the Judgment of Hon'ble Supreme Court in the case of ***Prem Nath Bali Vs. Reg., High Court of Delhi & Anr. decided on 16 December, 2015 in Civil Appeal No. 958 of 2010*** and the Judgment of Hon'ble Bombay High Court in Writ Petition No.3656/2021, decided on 12/01/2023. He has submitted that in the case of ***State of Madhya Pradesh and Another Vs. Akhilesh Jha and Another in Civil Appeal No.5153/2021, decided on 6<sup>th</sup> September,2021***, the Hon'ble Supreme Court has observed in para-15 that the Tribunal has to see as to whether prejudice is caused to the delinquent employee while quashing the inquiry in its entirety.

6. The learned counsel for the applicant has submitted that prejudice is caused to the applicant, he is facing inquiry since 2013, i.e., since last 10 years. He is not getting pension and other pensionary benefits. The learned counsel for applicant has submitted

that the Judgment in the case of ***Prem Nath Bali Vs. Reg., High Court of Delhi & Anr. (supra)*** is not distinguished in the case of ***State of Madhya Pradesh and Another Vs. Akhilesh Jha and Another (supra)***. Moreover, the recent Judgment of Hon'ble Bombay High Court in Writ Petition No.3656/2021, decided on 12/01/2023 shows that the Government of Maharashtra has issued a specific Government Resolution to take decision on the report of Inquiry Officer within a period of one month from the date of receipt and in case, when the permission of MPSC is required, in that case within a period of two months.

7. The learned P.O. Shri H.K. Pande submitted that the inquiry is completed and final decision is to be taken within a short period. He has pointed out the letter dated 04/01/2023. In the said letter, the respondent no.1 requested to extend six months time for taking decision on the inquiry report.

8. It is pertinent to note that on 10/10/2022, this Tribunal has directed the respondents to take decision on the inquiry report submitted against the applicant within a period of one month from today as per Govt. G.R. dated 07/04/2008. Till date, the respondents have not taken any decision. The applicant is facing difficulties because he is not getting any pension or other pensionary benefits. Hence, we pass the following order-

**ORDER**

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

(ii) The respondent no.1 is directed to take final decision on the inquiry report within a period of one month from today.

(iii) If the decision is not taken within one month, the inquiry shall stand quashed.

(iv) The respondents are directed to pay pension and pensionary benefits to the applicant, if he is eligible for the same.

(v) No order as to costs.

(vi) Steno copy is granted.

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

**(Shree Bhagwan)**  
**Vice- Chairman**

**Dated** :- 31/01/2023.

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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 Vice Chairman.

Judgment signed on : 31/01/2023.