

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.784/2016.

Jagan Ramji Rathod,
Aged about 46 years,
Occ-Service,
R/o 1, Gopalkrishna Park, Wadgaon Road,
Yavatmal.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Principal Secretary,
Department of Agriculture
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Rural Development,
Mantralaya, Mumbai-440 032.
- 3) The Commissioner of Agriculture (M.S.),
Central Building, Pune-1.
- 4) The Chief Executive Officer,
Zilla Parishad, Yavatmal.

Respondents

Shri Bharat Kulkarni, Ld. Counsel for the applicant.
Shri A.P. Potnis, learned P.O. for the respondent Nos. 1 to 3.
Shri A.D. Girdekar, the learned counsel for respondent No.4.

Coram:- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).

JUDGMENT

(Delivered on this 11th day of April 2017.)

Heard Shri Bharat Kulkarni, the learned counsel for the applicant, Shri A.P. Potnis, the learned P.O. for respondent Nos. 1 to 3 and Shri A.D. Girdekar, the learned counsel for respondent No.4.

2. The applicant is serving on the post of Sub-Divisional Agriculture Officer at Pandharkawada, District Yavatmal. He was appointed in the Maharashtra Agriculture Service, Group-B post by respondent No.3 on 17.5.1997 and was promoted in Group-A post and was posted at Pandharkawada since 17.6.2008. On 14.6.2012, he was transferred to Yavatmal from Pandharkawada in the office of Zilla Parishad, Yavatmal on deputation and he joined the said post on 3.12.2012.

3. According to the applicant, one Shri Pravin Deshmukh was President of Zilla Parishad, Yavatmal and he tried to pay bogus bills for which the applicant objected. Shri Pravin Deshmukh, therefore, started harassing the applicant. In April 2016, one Shri Deepak Shingla joined as Chief Executive Officer, Zilla Parishad, Yavatmal. Since the applicant was on leave on 4.7.2016,

charge of the post of the applicant was given to Mr. Sanjay Pawar, Agriculture Officer, Panchayat Samiti, Ghatanji. On 12.7.2016, in the meeting of Standing Committee, one resolution was passed about the enquiry against the applicant and about the affairs of Agriculture Department, Zilla Parishad, Yavatmal. The said resolution was illegal. The applicant immediately filed an appeal before the Divisional Commissioner, Amravati Division, Amravati U/s 267 (A) of the Maharashtra Zilla Parishad and Panchayat Samiti Act, 1961 and challenged the resolution dated 12.7.2016. In the meantime, respondent No.4 issued a show cause notice to the applicant, making several allegations on 7.9.2016. The applicant replied the said notice on 23.9.2016. But respondent No. 4 has passed an order on 1.12.2016 whereby the financial and administrative powers of the applicant have been withdrawn. According to the applicant, this order of withdrawal of powers is illegal, without jurisdiction and arbitrary and therefore, the applicant has prayed that the order dated 1.11.2016 be quashed and set aside and respondent No.4 be directed to continue the applicant on the post of Agriculture Development Officer, Z.P., Yavatmal with all financial and administrative powers which have been conferred on the applicant by respondent No.1 and hence this O.A.

4. Respondent No.4 filed affidavit in reply and justified action and it is submitted that the applicant had committed several financial irregularities and payments have been made to various suppliers, despite receiving bills and material and no payment was made to some agencies. The applicant has been relieved from his post of Agriculture Development Officer, Z.P., Yavatmal on 22.12.2016 and one Shri Kalsait has taken charge of his post on 31.12.2016.

5. Respondent Nos. 1 to 3 have also filed reply affidavit and submitted that respondent No.1 is not in picture. According to the respondents, the applicant has filed an appeal against the resolution whereby his financial and administrative powers have been withdrawn and the said appeal is pending.

6. The learned P.O. has invited my attention to the order passed by the Divisional Commissioner, Amravati Division, Amravati on 27th December 2016, in the Application No. 47/Maharashtra Zilla Parishad and Panchayat Samiti Act, 1961 U/s 267 (A)/ Zilla Parishad, Yavatmal/2016. It seems that the said appeal has been filed by the applicant Jagan Ramji Rathod himself. In the said appeal, the applicant had challenged resolution whereby his financial and administrative powers have been withdrawn in the meeting of Standing Committee of Zilla Parishad held on 12.7.2016. In

the said appeal, following order has been passed by the Divisional Commissioner, Amravati Division, Amravati:-

1. The respondents shall produce copy of enquiry report by Additional Chief Executive Officer to this authority and copy of complaints alongwith records etc. of the petitioner to decide further course of action.

2. Respondent is directed to take any further action against the petitioner in the matter till the proceedings are finalized by this Court.

3. The respondent is advised to follow the Rules and Regulations and not to act biasly and with prejudice mind.+

7. From the aforesaid order, it will be clear that the action against the applicant was stayed and it was directed that till the proceedings in the matter are finalized by the Divisional Commissioner, Amravati Division, Amravati, the respondents shall not take further action against the applicant.

8. From the aforesaid fact, it is also clear that the applicant has already challenged the resolution passed by the Standing Committee and said matter is *subjudice* before the Divisional Commissioner, Amravati Division, Amravati. In such circumstances, it may not be proper for this Tribunal to take cognizance and to pass any order on merit in this matter, as the application seems to be premature.

9. In view therefore, following order is passed:-

ORDER

The O.A. stands dismissed with no order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)

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