

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 80 of 2016 (D.B.)

Riyaz Ahmed Sheikh Shabbir,
Aged about 40 years,
Occ. Service,
R/o Ward no.10, Malipura, Chikhali,
Tq. Chikhali, District Buldana.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.
- 2) The Sub Divisional Officer,
Buldana, Tq. & Dist. Buldana.
- 3) Tahsildar,
Chikhali, Tq. Chikhali,
District Buldana.

Respondents

Shri H.D. Futane, Advocate for the applicant.

Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

JUDGEMENT

(Delivered on this 6th day of November,2017)

Heard Shri H.D. Futane, Id. Counsel for the applicant and
Shri A.M. Khadatkar, Id. P.O. for the respondents. The O.A. is heard
finally with consent of Id. counsel for parties.

2. The applicant was appointed as Talathi on 19/6/1996. It is stated that he has performed his duty with utmost satisfaction of his superior and there was no stigma or complaint against him. However, one Shri Sukhdeo Parihar made complaint against applicant with respondent no.2 and alleged that he had taken illegal entry in revenue record in respect of entry nos.448 and 447. On the said complaint the respondent no.2 directed the Tahsidar, Chikhali to conduct inquiry against the defaulter. A charge sheet was issued against the applicant and on the basis of said charges on 11/1/2016. The only charge framed against the applicant is that he has not made proper entry in the in the record of right and therefore he committed misconduct. The applicant received show cause notice on 11/1/2016 and thereafter on 22/1/2016 and submits that the charges levelled against the applicant are not tenable. The respondent no.2 himself filed affidavit and requested that the proceeding against the applicant be dropped. The applicant has therefore claimed that the charge sheet dated 11/1/2016 issued by respondent no.2, i.e. The Sub Divisional Officer (SDO), Buldana against the applicant be quashed and set aside and respondent no.2 be directed to drop the departmental inquiry initiated against the applicant.

3. In the affidavit-in-reply filed by respondent no.2, the respondent no.2 came with a case that three separate complaints

came be lodged against the applicant and therefore show cause notices dated 11/1/2016 and 22/1/2016 were issued. The applicant had already replied the notices as regards charges levelled against him. It is stated that in inquiry in case no.5/2015 the applicant appeared before respondent no.2 and sought time to file reply and an inquiry in case no.7/2015 is also initiated against the applicant.

4. The learned counsel for the applicant has invited my attention to one affidavit filed by one Mr. W.H. More and other documents which are placed on record at P.B. page nos. 22 to 24. Vide these documents it seems that initially one complaint was filed against the applicant by one Mr. More, the then Naib Tahsildar, Chikhali. However, said Mr. More filed affidavit to the effect that he has no grudge against the applicant and that the complaint was filed by him when his mental condition was not proper due to bye-pass surgery. He has also requested the Government to drop the inquiry against the applicant. In my opinion whether Mr. More has turned hostile or not is a matter is to be considered by the competent authority while conducting departmental enquiry against the applicant. It is not that the charge sheet has been issued only on the basis of complaint filed by Mr. More. There are, in all 6 charges against the applicant in the departmental enquiry which is to be conducted against the applicant and the said inquiry is on the basis of different

complaints received by the department. In all three departmental enquiries are initiated against the applicant and merely because Mr. More has filed so called affidavit in support of applicant, it cannot be said that the departmental enquiry shall be dropped. The applicant will get an opportunity to defend whatever allegations are made against him in the charge sheet. He will get an opportunity to file written statement of defence, to cross examine the witnesses and even to examine his own defence witnesses, if any. There is nothing on the record to show that the applicant is being wrongly framed or there is any malice on the part of respondent no.2 against the applicant. Considering all these aspects, I do not find any reasons to interfere in the departmental action proposed against the applicant. Hence, the following order.

ORDER

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

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

dnk.