

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO 303 OF 2009

DISTRICT : WASHIM

Shri Vijay Bhaskar Lende,)
Occ : Junior Clerk, R/o Shantabai)
Yadav Nagar, Chandur Rly Tah.)
Chandur Rly, Dist-Amravati.)...**Applicant**

Versus

1. The State of Maharashtra)
Through its Secretary,)
Ministry of Cooperative and)
Marketing Department,)
3rd floor, Mantralaya,)
Mumbai 400 032.)
2. The Commissioner for)
Cooperation and Registrar)
Cooperative Societies,)
M.S, Central Building,)
Pune 411 001.)

3. Divisional Joint Registrar)
Cooperative Societies,)
Amravati Division, Amravati.)
4. District Deputy Registrar,)
Cooperative Societies,)
Amravati District, Amravati.)
5. Respondents no. 5 to 7
are deleted **...Respondents**

None for the Applicant.

Shri V.A Kulkarni, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman) (A)
Shri J.D Kulkarni (Vice-Chairman) (J)

DATE : 06.07.2017

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. None for the Applicant. Heard Shri V.A Kulkarni, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging the order dated 30.12.2008 passed by the Respondent no. 3, imposing penalty of reduction

in rank for 3 years and the order dated 1.4.2009 passed by the Respondent no. 2, reducing the punishment to reduction in rank to two years.

3. The Applicant was appointed initially as a Peon and by order dated 18.6.1996, he was promoted as Junior Clerk by the Respondent no. 3. The Applicant was appointed as Administrator of Yeshwant Shetmal Prakriya Cooperative Society, Chandur Railway, Dist- Amravati. He was placed under suspension by the Respondent no. 3 by order dated 14.6.2007 for irregularities in the function of the aforesaid Cooperative Society. A Departmental Enquiry (D.E) was already started against the Applicant by Memorandum dated 17.8.2006. The Applicant's claim is that he committed no substantial wrong as Administrator of the aforesaid Cooperative Society (the said Society). A D.E was held against the Applicant and a show cause notice was issued to him on 22.8.2008. The Respondent no. 3 passed the impugned order dated 30.12.2008 reverting the Applicant from the post of Junior Clerk to that of Peon for a period of 3 years. The Applicant filed O.A no 36/2009 challenging the said order. However, the Applicant was allowed to withdraw the same and was given liberty to approach the Appellate Authority against the impugned order. By order dated 9.2.2009, the Respondent no. 2, as Appellate Authority has slightly modified the punishment order. The Respondents no 2 &

3 did not consider the defence of the Applicant that he has fixed the price of the land belonging to the said Society as per Court's order and therefore not committed any misconduct.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondents that the Applicant has not pointed out any procedural irregularities in the D.E against him. It is also not a case of no evidence against the Applicant. The Applicant has been reverted to the post of Peon for a period of 2 years, which is quite lenient considering the fact that he caused huge loss of Rs. 15,09,759/- to the said Society, while working as Administrator.

5. We find that a D.E was started against the Applicant on 17.8.2006 and he was placed under suspension by order dated 14.6.2007 by the Respondent no. 3. There were serious charges of financial irregularities against the Applicant, while he was posted as Administrator of a Cooperative Society. A Departmental Enquiry was held against the Applicant and the Enquiry Officer found seven charges to be partly proved and charge no. 1 to be fully proved. The Applicant has not made any averment that there was any procedural irregularity in the D.E against him. It is seen that he was given full opportunity to defend himself. Considering the nature of charges proved against the

Applicant including the charge of causing huge financial loss to the Society, whose interest, he was required to safeguard as Administrator, the punishment of reverting him to the post of Peon for two years is a very mild punishment. On going through the report of the Enquiry Officer, it is clear that there was evidence against the Applicant to prove the charges in the D.E. This Tribunal cannot go into the adequacy of material to prove charges like an appellate authority.

6. The Applicant has failed to make out a case of interference in the order of the Respondent no. 2 dated 1.4.2009, in which the order dated 30.1.2008 of the Respondent no. 3 has merged.

7. Having regard to the aforesaid facts and circumstances of the case, Original Application is dismissed with no order as to costs.

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

(Rajiv Agarwal)
Vice-Chairman (A)

Place : Nagpur
Date : 06.07.2017
Dictation taken by : A.K. Nair.