

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.454 OF 2021

DISTRICT: NASHIK

Shri Laxman Y. Bhagale)
Age – 63 years, Retired as Chief Officer Class)
III, Urban Development Department.)
R/at. 33 Model Colony, Near 'D' Mart,)
Dnyaneshwar Nagar Rd., Jule,)
Solapur.) **....Applicant**

Versus

1. Government of Maharashtra,)
Through Principal Secretary,)
Urban Development Department,)
Mantralaya, Mumbai 32.)
2. Commissioner cum Director,)
Municipal Administrative Directorate)
Worli, Mumbai.)
3. Collector, District Gadchiroli.) **...Respondents.**

Shri M. D. Lonkar, learned Advocate for the Applicant.

Shri A. J. Chougule, learned Presenting Officer for the Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER (J)

DATE : 30.07.2021

J U D G M E N T

1. Today, learned P.O. has filed short affidavit of Dr. Kiran Kulkarni, Commissioner and Director of Municipal Administration, Worli, Mumbai in

pursuance of order passed by the Tribunal on 20.07.2021 directing him to explain the delay caused in completion of D.E.

2. Indeed, explanation sought to be given in affidavit is far from satisfaction. The Applicant stands retired on superannuation on 30.06.2017. The Departmental Enquiry (D.E.) was initiated against him before his retirement by issuance of charge sheet on 02.06.2016. However, despite retirement of the Applicant, no further steps were taken for completion of D.E. Enquiry Officer was itself appointed belatedly in 2018. Unfortunately, he died in 2020 in corona pandemic. He did not complete enquiry though he had more than two years period. The Respondent No.2 was not even aware about the death of Enquiry Officer and the status of D.E. since no follow up was taken though in terms of various G.R.s and Circulation, the D.E. ought to have been completed maximum within one year. It is only after filing of O.A. now, another Enquiry Officer is appointed recently, by order dated 28.07.2021.

3. Learned P.O. submits that now D.E. will be completed expeditiously within six weeks and thereafter retirement benefits of the Applicant will be released.

4. In so far as, GPF and GIS and Leave Encashment are concerned, those are also withheld for no reason which ought to have been paid.

5. Learned P.O. submits that GPF, GIS and Leave Encashment will be released without further delay.

6. In Affidavit, Respondent No.2 has tendered unconditional apology for not completion of D.E. within stipulated period and ensures disposal of D.E. without further delay.

7. In view of above, O.A. is disposed of with following directions:-

- (A) Respondents are directed to ensure completion of D.E. by passing final order therein within six weeks from today.
- (B) The decision of D.E. shall be communicated to the Applicant within a week thereafter.
- (C) Respondents are further directed to release GPF, GIS and Leave Encashment within a week from today.
- (D) Besides, the Provisional Pension which was paid only for six months should be further continued till the decision of D.E. with arrears, if any.
- (E) After completion of D.E., remaining retirement benefits of the Applicant be released as per his entitlement and subject to the decision in D.E. within a months from the date of final decision in D.E.
- (F) No order as to costs.

Sd/-

(A.P. KURHEKAR)
Member(J)

Place : Mumbai
Date : 30.07.2021
Dictation taken by : V.S. Mane
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