

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.732/2015**

Shri Vinod S/o Kawaduji Khobragade,  
Aged about 44 years, Occ. Nil,  
R/o at Ashirwad Nagar,  
Nagpur Chandrapur High way, Warora,  
Tq. Warora, Dist. Chandrapur.

**Applicant**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai-32.
- 2) The Collector,  
Collectorate office, Chandrapur.
- 3) The Sub Divisional Officer,  
Rajura, Dist. Chandrapur.
- 4) The Tahsildar,  
Jivti, Tq. Warora, Dist. Chandrapur.

**Respondents**

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S/Shri G.G.Bade, P.P. Khaparde, Advocates for the applicant.  
Shri A.M. Ghogre, P.O. for the respondents.

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**Coram :- Hon'ble Shri S.S. Hingne, Member (J).**

**Dated :- 26 /09/2016.**

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**ORDER -**

The applicant / Talathi has challenged the order dated 8-9-2015 (A-1,P-14) imposing the penalty of compulsory retirement.

2. Heard Shri G.G.Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

3. In this case the SDO has conducted the inquiry and submitted the inquiry report and himself has passed the punishment order. Thus the Inquiry Officer and the disciplinary authority is the same. Consequently, the order passed by such authority is against the principles of natural justice as laid down in **Mohd. Yunus Khan Vs. State of Uttar Pradesh & Ors.(2010) 10 SCC, 539.** The inquiry report (A-14,P-82) is made by SDO, Rajura and the impugned order dated 8-9-2015 (A-1,P-14) is also passed by the same SDO, Rajura, i.e., the same authority. Thus the order cannot be legal and valid and needs to be quashed even without going into the merit of the case.

4. However, since the order is being quashed on technical ground. It is made clear that the respondent can proceed with the matter on the basis of the inquiry report from the stage of

receipt of the said report (A-14,P-82) and pass the necessary order according to law.

5. Consequently, the O.A. is allowed. The impugned order dated 8-9-2015 is set aside and the respondent to proceed from the stage of receipt of the inquiry report according to law and pass the necessary order. This exercise be done before 31-12-2016.

**(S.S.Hingne)**  
**Member (J).**

dnk.