

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.734 OF 2019**

**DISTRICT : NAVI MUMBAI**

Shri Rajan R. Pol. )  
Retd. Assistant Director, Drugs Control )  
Laboratory, Aurangabad and residing at )  
B/1101, Bhoomi Paradise, Section – II, )  
Sanpada, Navi Mumbai. ) **...Applicant**

**Versus**

The State of Maharashtra. )  
Through Principal Secretary, )  
Medical Education & Drugs Department, )  
Mantralaya, Mumbai – 400 032. ) **...Respondent**

**Mr. A.V. Bandiwadekar, Advocate for Applicant.**

**Mr. S.D. Dole, Presenting Officer for Respondent.**

**CORAM : A.P. KURHEKAR, MEMBER-J**

**DATE : 05.08.2019**

**JUDGMENT**

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.

2. Despite the observation made by this Tribunal in Order dated 29.07.2019 commenting upon the lethargy and inaction on the part of Respondents to take final decision in the matter of disciplinary proceeding initiated against the Applicant in 2012, no progress is made till date.

3. The Applicant was serving on the post of Assistant Director, Drugs Control Laboratory at Aurangabad and stands retired on 31.07.2015. While in service, the departmental enquiry (D.E.) was initiated on 11.05.2012 and Enquiry Officer (E.O.) submitted his report on 27.06.2014 exonerating the Applicant from all the charges. However, the Respondents did not take any action for more than four years and for the first time, the Respondents had issued show cause notice on 31.08.2018 as to why 10% pension should not be deducted permanently. The Applicant had submitted reply on 18.10.2018 but no decision was taken by the Respondents.

4. It may be noted that, in the meantime, the Applicant had filed complaint before Hon'ble Lok Ayukta vide Complaint No.2384/2016 which was decided on 01.02.2019 whereby directions were given to the Respondents to finalize the departmental proceeding by March, 2019 and thereafter, process the pension papers and get it finally signed within one month in accordance to decision in D.E.

5. Despite the aforesaid position, the Respondents did not take any action and the Applicant is constrained to approach this Tribunal by filing this O.A.

6. Having noted all these aspects, on 29.07.2019, this Tribunal has passed speaking order to inform the Tribunal about the status of D.E. and also to explain four years' delay caused in taking the decision in D.E.

7. Today, however, all that learned P.O. on instructions states that the file is under process and is placed in the office of Hon'ble Minister

for approval. However, he is unable to state when the file was processed and sent to the office of Hon'ble Minister.

8. It is really appalling to note that even after four years from retirement, the Applicant is deprived of from regular pension and gratuity. Though the Enquiry Officer submitted report on 27.06.2014, no step was taken therein for more than four years and it is for the first time on 31.07.2018, the Respondents belatedly issued show cause notice as to why 10% pension should not be deducted permanently to which the Applicant had submitted reply on 18.10.2018.

9. The aforesaid facts clearly demonstrate total lethargy and inaction on the part of Respondents. No explanation whatsoever is forthcoming for such inordinate delay of four years. The Respondents have no regard to the order passed by Hon'ble Lok Ayakta as well as the order passed by this Tribunal.

10. In view of above, the present O.A. deserves to be disposed of with suitable directions, so that the Applicant should get his retiral benefits expeditiously, of course subject to final order in D.E. The O.A. deserves to be allowed partly with cost, as the Applicant is constrained to file this proceeding to get his legitimate dues.

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

- (A) The Respondents are directed to pass final order in D.E. within two weeks from today. No further extension will be granted.
- (B) The retiral benefits be paid within two weeks thereafter, subject to final order of D.E.

- (C) The Respondents do pay Rs.10,000/- to the Applicant towards the cost of these proceedings.
- (D) The Applicant is at liberty to take further steps for grant of interest on the belated payment which will be dealt with in accordance to law.

Sd/-  
**(A.P. KURHEKAR)**  
**Member-J**

Mumbai  
Date : 05.08.2019  
Dictation taken by :  
S.K. Wamanse.

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