

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.963/2023

DISTRICT : NASHIK

Deepak Bapurao Pawar,)
Assistant (Revenue), Office of Tahsildar,)
Peth, District Nashik, and having)
Residential Address as Awadh Row House,)
Peth Road, Tawli Phate, Nashik) **....Applicant**

Versus

1. Divisional Commissioner,)
Nashik Division, Nashik,)
Central Administrative Building,)
Nashik Road 422 101)
2. Collector, Nashik, District Nashik,)
Old CBS, Near District Court,)
Old Agra Road, Nashik 422 001)
3. Tahsildar, Peth, Taluka Peth,)
District Nashik) **....Respondents.**

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

Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 08.09.2023.

M E D I A T I O N

1. Mr. D.B. Patil, Applicant in person is present through video conference. Ms. Swati Thavil, Deputy Collector, Irrigation No.1, Nashik, Mr. Vijay Kachave, Naib Tahasildar and Mr. M.D. Lonkar, learned Advocate for the Applicant are present.

2. In view of the Section 22 of the Administrative Tribunals Act, 1985 read with Section 89 of the Civil Procedure Code, the proposal of Mediation was mooted by the learned Advocate Mr. Lonkar for the Applicant, it was put up before the Respondent-Government, the office of the Collector, Nashik.

3. After considering the issue the said Respondent consented for mediation. Hence, by order dated 08.08.2023 this matter was referred to mediation. Reference was made to learned Counsel and Mediator Ms. Tanu Mehta. Learned Counsel Ms. Mehta in the presence of both, i.e. Applicant, Mr. D.B. Pawar and Deputy Collector, Irrigation No.1, Nashik, Ms. Swati Thavil, who represented the office of the Collector held total 3 sessions. Applicant, Mr. Pawar attended mediation sessions through video conference along with learned Counsel Mr. Lonkar. Advocate Ms. Tanu Mehta submitted her report of mediation on 07.09.2023 in duplicate informing that the parties have agreed to settle as per the terms mentioned in the report. The said report along with the agreement is taken on record. The report is taken on record and marked as Exhibit-I and Agreement is marked as Exhibit-IA. The terms of the agreement are signed by learned Presenting Officer, Ms. K.S. Gaikwad for the Respondents and by Ms. Swati Thavil, Deputy

Collector as the representative of the office of Collector, Nashik. On behalf of the Applicant, as agreed by the Applicant, learned Advocate Mr. Lonkar has signed the said consent terms.

4. Applicant, Mr. Pawar who is present on video conference today when asked has submitted that he is fully aware of the contents of the agreement and all terms mentioned therein are agreeable to him.

5. In view of the consent terms agreed the O.A.No.963/2023 the Original Application is disposed of by following order :

- (a) Order dated 05.01.2021 imposing penalty of recovery is hereby revoked and cancelled.
- (b) Absenteeism of the Applicant during the period from 10.08.2020 to 18.12.2020 should be considered as extra ordinary leave without pay.
- (c) The aforesaid period should be treated as continuous service and it is not to be treated as break in service.
- (d) Instead of imposing penalty or any other punishment it is to be substituted by 'censure' for unauthorized absence.
- (e) An amount of Rs.1,50,184/- which was recovered from the Applicant as a part of penalty under order dated 05.01.2021 should be refunded to the Applicant as arrears of Salary by the concerned head of the Department. This amount will be refunded after two years of the Applicant's satisfactory service which includes that the Applicant should not take leave without permission or take unauthorized leave during the period of two years and he will render satisfactory service.

- (f) In the event of any misconduct especially in respect of unauthorized absenteeism is reported within a period of two years then the amount of Rs.1,50,184/- will not be refunded to the Applicant.
- (g) It is open for the Department to take any action as per the Maharashtra Civil Services Rules, if at all, any misconduct takes place on the part of the Applicant in future.

Before parting with it is necessary to mention that all the parties involved in the mediation have rendered their whole hearted cooperation. The Tribunal is thankful to Mr. Manoj Saunik, the Chief Secretary, who has acknowledged the proposal of mediation and also to Dr. Rajagopal Devara, the Additional Chief Secretary, Revenue and Forests Department. The Special appreciation for Mr. Lonkar, learned Advocate, Mr. Jalaj Sharma, Collector, Ms. Swati Thavil, Deputy Collector and Mr. Vijay Kachave, Naib Tahasildar. Mediation could work out due to tireless efforts taken by learned Advocate and Mediator, Ms. Tanu Mehta.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

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