

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 258 OF 2015**

DISTRICT: - NANDED.

**Smt. Lata D/o Suryakant Tuptewar,**  
Age-45 years, Occ. : Service as  
Copying Clerk, R/o : C/o Shri Milind  
Kanadkhedkar, Chikhalwadi Corner,  
Nanded.

.. APPLICANT.

**V E R S U S**

**1] The State of Maharashtra,**  
Through : Secretary  
Revenue & Forest Department,  
Mumbai.

**2] The Deputy Director of Land  
Records,**  
Aurangabad.

.. RESPONDENTS.

---

**APPEARANCE** : Shri. Ajay Deshpande, Id. Advocate  
for the applicant.

: Smt. M.S. Patni – learned Presenting  
Officer for the respondents.

---

**CORAM** : **JUSTICE M.T. JOSHI, VICE CHAIRMAN**  
**AND**  
: **ATUL RAJ CHADHA, MEMBER (A)**

**DATE** : **12<sup>TH</sup> DECEMBER, 2018.**

---

**O R A L O R D E R**

**[Per : Justice M.T. Joshi, Vice Chairman]**

1. Shri Ajay Deshpande, learned Advocate for the applicant  
and Smt. M.S. Patni, learned Presenting Officer for the  
respondents.

2. Heard both sides. Upon hearing both the sides, it appears that the issue in the present Original Application is now settled by the decision of the Hon'ble High Court, as well as, of the Hon'ble Supreme Court in the cases of Surendrasingh Govindshingh Rajput & Ors. Vs. Maharashtra State Electricity Distribution Company Ltd. & Anr. in W.P. No. 4758/2014 and other WPs decided on 23.09.2015 as well as of the Hon'ble Supreme Court in the case of STANZEN TOYOTETSU INDIA PRIVATE LIMITED VS. GIRISH V. AND OTHERS reported in (2014) 3 SCC 636, a copies of which are taken on record and marked as document 'X' collectively for the purposes of identification.

3. The decisions rendered by the Hon'ble High Court, as well as, Hon'ble Supreme Court, would show that in case departmental enquiry, as well as, criminal case lodged on the same facts, then the directions should be issued that the criminal case be concluded within a period of one year and in case the same is not concluded within a period of one year then the departmental

enquiry shall proceed further. In the circumstances, in view of the fact that this Tribunal has no jurisdiction to direct the criminal court to conclude the proceeding, the following order shall meet to the ends of justice.

**ORDER**

(i) The present Original Application is partly allowed.

(ii) It is hereby directed that the interim stay granted in the present Original Application for proceeding D.E. shall be continued for one year from the date of this order. In case, criminal case is not concluded within one year from the date of this order, interim stay granted by this Tribunal in the present O.A. to the D.E. shall stand vacated and the respondents would be at liberty to continue with the D.E. thereafter.

The parties are directed to bear their own costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**PLACE : AURANGABAD.**

**DATE : 12<sup>TH</sup> DECEMBER, 2018.**