

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH : NAGPUR****ORIGINAL APPLICATION No. 114 of 2012 (D.B.)**

Shri Sitaram S/o Mahadeo Kinake,
Aged about 68 years, R/o Vikas Colony,
Ram Nagar, Yavatmal.

Applicant.

Versus

- 1) State of Maharashtra through its Secretary
Rural Development and Water Resources Department,
Mantralaya, Mumbai-32.
- 2) Zilla Parishad, Yeotmal
through its Chief Executive Officer,
Yavatmal.

Respondents.

S/Shri Bharat Kulkarni, K.L. Zalke Advocates for the applicant.

Shri H.K. Pande, learned P.O. for respondent no.1.

**S/Shri R.D. Bhuibhar, S.A. Dustonde, D.M. Kale, S. Anjankar, A.S.
Ghawde, Advocates for respondent no.2.**

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J) and
Hon'ble Shri Shree Bhagwan, Member(A).**

JUDGMENT**PER : M (A).****(Delivered on this 19th day of December,2018)**

Heard Shri Bharat Kulkarni, learned counsel for the applicant, Shri H.K. Pande, learned P.O. for respondent no.1 and Shri D.M. Kale, learned counsel for respondent no.2.

2. As pleaded by the learned counsel for the applicant, the applicant was working as BDO, Panchayat Samiti, Maregaon, District Yavatmal during the period from 09/12/1991 to 06/07/1994. However, with record available to this Tribunal it is clear that this O.A. is connected with O.A.221/2010.

3. There were alleged to be some irregularities during this period and applicant was put under suspension vide no.foI 7404@i tdt 176@vklFkk&2]epb] dated 03/08/2018 (Annex-A-1,P-11). The applicant has approached to this Tribunal against this impugned order with following main reliefs :-

“(i) Quash and set aside the impugned order of respondent no.1 dated 03/08/2011 to decide the period of suspension as suspension as such being illegal.

(ii) Direct the respondent no.1 to declare the period of suspension from 03/02/1996 to 20/11/1997 as duty for all purposes and pay

the increments, pay and allowances with arrears by issuing order afresh."

4. However, on perusal of documents on record it seems that for the said irregularities Government of Maharashtra started departmental Inquiry was initiated against him on the charges of irregularities made by him vide memorandum issued by respondent no.1 vide letter No. efol s 7494@i zdz1028@10&v] xte fodkl o tyl dkkj.k foHkkx] efb] dated 31/07/1996 which is at Annex-A-4, P.B. page nos. 92 to 123 (both inclusive) and in the said inquiry following charges were levelled against the applicant.

^tM/i=&, d

Jh, l -, e-fdukd] ekth xV fodkl vf/kdkjh (m-Js) i pk; r l ferh ekjxk@uj] ftYgk ; orekG 1/1 /; k fuyicr 1/2 ; kps/#/n foHkkxh; pkl 'kh dj.; kl kBh nkskkjksi i = &

Jh, l -, e-fdukds gsfnukd 09@12@1991 rs06@07@1994 ; k dkyko/khr xV fodkl vf/kdkjh (m-Js) i pk; r l ferh ekjxk]ftYgk ; orekG ; k i nkoj dk; jr vl rkuk R; kauh 'kkI dh; dtekr [lkyhyi ek.ksvfu; ferrk dshh vkgs &

vkjki dz1 & *Jh, l -, e-fdukds gs mDr i nkoj o dkyko/khr dke djhr vl rkuk R; kauh l u 1992&93 e/; s Jh , -, l - xk; /ku] dfu"B ys[kk vf/kdkjh] i pk; r l ferh] ekjxk g; kps kh l xuerkus 250 es Vu fl e/ph vko'; drk ul rkuk tink [kjnh d#u 'kkI dh; fu/kh vdkj.k xroq Baw egkjk"Vukxjh l ok (orZkd 1/2 fu; e 3 1/4 1/4, d 1/2/4nku 1/2/4rhu 1/2psmYyaku dsys*

vljki dz2 & Jh, l -, e-fdukdsqsmDr i nkoj o dkyo/khr dke djhr vl rkauk R; kauh [ky; k cktkjkriu fl eW [kjsnh ofj "Bkph i jokuxh u ?krk rl p fofgr dk; i/nrtpk voyæ u djrk rl p fufonk/kjjdk 0; frfjDr Qezyk jdeps' kks'ku dsys l njdR; Jh-xk; /kus; kps'kh l xuer d#u dsys vl uu R; kauh ysq'kk l fgrk fu; e 138 o egkjk"V^a ukxjh l ok (orzklp½ fu; e 3 ¼1½ ¼anku½¼rhu½psmYyaku dsys

vljki dz3 & Jh, l -, e-fdukdsqsmDr i nkoj o dkyo/khr dke djhr vl rkauk R; kauh Jh-xk; /kus ; kps'kh l xuer d#u 5000 fl eW FkSyh i R; {kkr i klr >kY; kP; k fnM efguk vxkxjp rtkBk i at hr ukn ?kouu jdeps' kks'ku d#u #i ; s4]55]000@& ps 'kks'ku l ij {kk Bð u ?krk dsys vkf.k egkjk"V^a ftYgk i fj "kn o i pk; r l ferh ysq'kk l fgrk 1968 psfu; e 144 pk Hkax rl p egkjk"V^a ukxjh l ok (orzklp½ fu; e 1979 psfu; e 3 ¼1½ ¼, d½¼anku½¼rhu½psmYyaku dsys

vljki dz4 & Jh, l -, e-fdukdsqsmDr dkyo/khr mDr i nkoj dke djhr vl rkauk R; kauh Jh-xk; /kus ; kps'kh l xuer d#u i pyhr njki {kk #-11@& us tkLr njkps fl eW [kjsnh d#u #-55]000@& pk tlnk HkqM 'kk l ukoj yknyk vkf.k vkfFlzd fu; e o egkjk"V^a ukxjh l ok (orzklp½ fu; e 1979 psfu; e 3 ¼1½ ¼, d½¼anku½¼rhu½psmYyaku dsys

vljki dz5 & Jh, l -, e-fdukdsqsmDr i nkoj o dkyo/khr dke djhr vl rkauk R; kauh Jh-xk; /kus ; kps'kh l xuer d#u #i ; s4]55]000@& gh fl eW [kjsnh ofj "Bkph i jokuxh u ?krk d#u egkjk"V^a ukxjh l ok (orzklp½ fu; e 3 ¼1½ ¼, d½¼anku½¼rhu½psmYyaku dsys

vljki dz6 & Jh, l -, e-fdukdsqsmDr i nkoj o dkyo/khr dke djhr vl rkauk R; kauh Jh-xk; /kus ; kps'kh l xuer d#u fl eW/P; k ntkph [kk=h u djrk #i ; s4]55]000@& ij oBlnkjl okVi d#u vkdfLed [kpfu; ekoyh 1965 psi fjf'k"V&6 fu; e 3 psmYyaku dsys

vljki dz7 & Jh, l -, e-fdukdsqsmDr i nkoj o dkyo/khr dke djhr vl rkauk R; kauh Jh-xk; /kus ; kps'kh l xuer d#u idYi l pkyd] ; orekG ; kauh #i ; s4]46]000@& ph rjrmp 20 VDds

dkekl kBh fnyh vl rkauk rh fl eW [kjsnoj [kpzd#u tokgj jkst xkj eW; qy e/khy rjrn dz25-1
pso vkdfLed [kpzfu; ekoyh 1965 e/khy fu; e 171 psmYyaku dsys

vljki dz8 Jh- , l -, e-fdukdsqsmDr i nkoj o dkyko/khr dke djhr vl rkauk R; kauh Jh- , u-th-
cYdh] l dkfuorR xke foLrkj vf/kdkjh] i pk; r l ferh ; kpdms#- 65]594@ ph ol yh i yfcr
vl rkauk l qnk uk&ol yh i ek.ki =kr rh jDde ueq dsyh ukgh- i ; kZ kusl nj jDde ol y djrk
vkyh ukgh o r0<; k jdeP; k [kR; koj ckstk i Myk- v'; ki zkjS R; kauh drD; kr dl j d#u
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1979 psfu; e 3 ¼1½ ¼, d½¼nku½¼rhu½psmYyaku dsys

vljki dz9 Jh- , l -, e-fdukdsqsmDr i nkoj o dkyko/khr dke djhr vl rkauk R; kauh Jh- , u-ds
ekj kokj] dfu"b vfhk; rk i pk; r l ferh ekj sk0 ; kauk clakdkekl kBh dkeks i xrhps voykdu u
djrk o i phps vxhe i yfcr vl rkauk oGkoGh vxhe eatj d#u vkfkd fu; ferrk dsyh o
egjk k"V^a ftYgk ifj"kn o i pkr l fer; k yfkl lgrk 1968 e/khy fu; e 210 ¼c½ pk Hkx vkf.k
egjk k"V^aukxjh l ok (orZkpl½ fu; e 1979 psfu; e 3 ¼1½ ¼, d½¼nku½¼rhu½psmYyaku dsys

vljki dz10 Jh- , l -, e-fdukdsqsmDr i nkoj o dkyko/khr dke djhr vl rkauk i pk; r l ferh]
ekj sk0 ; fku LFkkarj.k >kY; koj rFkhy fuokl LFkkukpsfo?kr ns d #- 3]322@ Hkjysys ukgh-
l cc R; kauh egjk k"V^aukxjh l ok (orZkpl½ fu; e 3 ¼1½ ¼, d½¼nku½¼rhu½psmYyaku dsys

vljki dz11 Jh- , l -, e-fdukdsqsmDr i nkoj o dkyko/khr dke djhr vl rkauk i pk; r l ferh]
ekj sk0 ; fky fuokl LFku Hkkm; kph fnukad 09@12@1991 rs 30@01@1992 i ; rP; k Qj d kph
jDde oG0j u Hkj rk mf" kjk Hk#u egjk k"V^aukxjh l ok (orZkpl½ fu; e 3 ¼1½ ¼, d½¼nku½¼rhu½ps
mYyaku dsys

vljki dz12 Jh- , l -, e-fdukdsqsmDr i nkoj o dkyko/khr dke djhr vl rkauk i pk; r l ferh]
fodkl vf/kdkjh ¼m-Js½ i pk; r l ferh] uj ; k i nkoj dk; jr vl rkauk R; kauh l njhy [kpkps QkMzua

the applicant. In background of these facts reliefs claimed by the applicant in this O.A. cannot be given. Hence, the following order :-

ORDER

The O.A. stand dismissed with no order as to costs.

**(Shree Bhagwan)
Member(A).**

**(J.D. Kulkarni)
Vice-Chairman (J).**

Dated :- 19/12/2018.

dnk.