

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 331 of 2007 (DB)**

Kamlaprasad Ramchandra Meshram,  
Aged about 50 years,  
Occ. Service as Ward Attendant,  
R/o Bramhin Rugnalaya,  
Lakhandur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Public Health Services,  
Health Department,  
Mantralaya, Mumbai-32.
- 2) Medical Superintendent  
Rural Hospital, Lakhandur,  
District Bhandara.
- 3) Civil Surgeon,  
General Hospital, Bhandara.
- 4) Deputy Director of Health Services,  
Nagpur Division, Nagpur.

**Respondents.**

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**S/Shri S.Ghate, S.R. Bhongade, Advocates for the applicant.**

**Shri S.A.Sainis, P.O. for the respondents.**

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**Coram :- Shri Shree Bhagwan,  
Member (A) and  
Shri Anand Karanjkar, Member (J).**

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**JUDGMENT**

**Per : Anand Karanjkar : Member (J).**

**(Delivered on this 10<sup>th</sup> day of April,2019)**

Heard Shri S.R. Bhongade, learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for the respondents.

2. It is submitted by the applicant that the respondent No.4 did not comply the order passed in O.A. No.162/1998 decided on 21-Feb 2007. In that proceeding order passed by the respondent No.4 on 23 Sept. 1996 was set aside and direction was given to the respondent No.4 to supply complete text of the inquiry report to the applicant and give him opportunity of hearing on the point of sentence. It is contended that the respondent did not comply this order, but simply passed the same order on 5 June 2007.

3. We have perused the order passed in O.A. No.162/1998 which is Anx. A-7. In last para of this order it is directed that *“Accordingly the impugned order quashed and set aside and the matter is remanded to the Disciplinary Authority (Respondent No.4) for continuing the departmental inquiry in accordance with law from the stage of supplying complete text of the enquiry report to the applicant and the Disciplinary Authority shall give an opportunity to the applicant of being heard on the point of punishment and take decision thereafter in accordance with law.”*

4. After reading the order Anx. A-10, dated 5 June 2007; it seems that personal hearing was not given to the applicant. The learned P.O. was unable to satisfy us on this point. In this order it is

no where mentioned that after remand of the matter notice was given to the applicant and he was called upon to appear in person for hearing him on the point of punishment. In view of these facts we are compelled to accept that the order Anx. A-7 was not complied by the respondent No.4. In result we to set aside the order Anx. A-10 dated 5 June 2007 and to direct the respondent No.4 to hear the applicant on the point of punishment and then pass the appropriate order as per law. The O.A. stands disposed off, no order as to costs.

**(Anand Karanjkar)**  
**Member(J).**

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

**Dated :- 10/04/2019.**

\*dnk.