

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 339 of 2023 (D.B.)**

1. Riyaz Ahemad Gulam Dastagir,
Age: 59 years, Occ: -Retired,
R/o: Gulshan, 57, Azad Colony, Behind S.T. Colony,
Koukhed Road, Akola, Tq. & Dist. Akola.
2. Manoj Ashokrao Dhonge,
Age: 42 years, Occ: -Service,
R/o: Laxminagar, Ring Road, Warud,
Tq. Warud & Dist. Amravati.
3. Umesh Pandurang Wankhade,
Age: 53 years, Occ: -Service,
R/o:- Raje Sambhajinagar, Adarsh Colony,
Akola, Tq. & Dist. Akola.

Applicants.**Versus**

1. State of Maharashtra
through its Secretary, Public Works Department,
Mantralaya Mumbai.
2. Regional Divisional Enquiry Officer,
Divisional Commissioner Office, Camp, Amravati.
Tq. And Dist. Amravati.
3. Executive Engineer, Public Works Department,
Akola, Tq. & Dist. Akola- 444001.

Respondents.

Shri P.A. Kadu, Advocate for the applicants.
Shri H.K. Pande, learned P.O. for the respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman and
Hon'ble Shri Vinay Kargaonkar,
Member (A).**

Dated :- 15/01/2024.

JUDGMENT

Per : Shri Justice M.G. Giratkar, Vice-Chairman.

Heard Shri P.A. Kadu, learned counsel for the applicants and Shri H.K. Pande, learned P.O. for the respondents.

2. The learned P.O. seeks further time to file reply. During the pendency of this O.A. several orders are passed by this Tribunal directing the respondents to complete the departmental enquiry.

3. On 02/01/2024, the learned counsel for applicant made statement that departmental enquiry is completed, only final report is to be submitted.

4. The applicants have prayed for specific direction to the respondents to complete the departmental enquiry within three months. This O.A. is filed on 05/04/2023. Since last about 8 months, the O.A. is pending. The applicants have specifically prayed only for direction to decide departmental enquiry within three months.

5. As per the submission of learned counsel for applicants, one applicant namely Riyaz A. Gulam Dastagir is retired on 30/09/2021. The copy of retirement order is filed on record. As per his submission, another applicant is due for promotion, but because of the pendency of departmental enquiry he is not promoted.

6. The reply is not required. The prayer is very simple for direction to decide the departmental inquiry within three months. Since

last 8 months, the O.A. is pending. As per the submission made by learned counsel for applicants, the final report is to be submitted. The departmental enquiry is completed. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to take decision in respect of the departmental enquiry pending against the applicant.
- (iii) The Inquiry Officer has not submitted final report, he shall submit the same to the Disciplinary Authority within a period of one month and the Disciplinary Authority shall decide the result of the inquiry within 15 days after the receipt of the inquiry report.
- (iv) No order as to costs.

(Vinay Kargaonkar)
Member(A).

(Justice M.G. Giratkar)
Vice-Chairman.

Dated :- 15/01/2024.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 15/01/2024.