

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 622 of 2021 (D.B.)

Sanjay Kumar Fattasing Gadge,
aged 55 years, Occ. Service, R/o Plot No.38-A,
Netaji Colony, Mardi Road, near Sant Gadgebaba University,
Amravati-444 602.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Deputy Secretary,
Department of Home (Pol-10), 2nd floor,
Mantralaya, Hutatma Rajguru Chowk,
Madame Cama Marg, Mumbai-32.
- 2) The Directorate of Public Prosecutions,
Maharashtra State, Mumbai, through its Director,
Khetan Bhawan, Apartment No.8, 5th floor, J-Tata Road,
Church Gate, Mumbai-20.
- 3) General Administrative Department,
Ministry of Administrative Department,
through Deputy Secretary, Mantralaya,
Hutatma Rajguru Chowk, Madame Kama Marg,
Mumbai-32.
- 4) Shree Rahul Laxmanrao Kolekar,
Aged 40 years, Additional Public Prosecutor Sessions Court,
Ahamadnagar C/o Assistant Director & Public Prosecutor Office,
Ahamadnagar Dist. and Taluka Ahadmanagar (Maharashtra).

Respondents.

**S/Shri A.C. & N.R. Dharmadhikari, R.P. Jog, Advs. for the
applicant.**

Shri S.A. Sainis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Vice-Chairman.**

Dated :- 22/08/2022.

JUDGMENT

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

Heard Shri A.C. Dharmadhikari, learned counsel for applicant and Shri S.A. Sainis, learned P.O. for respondent nos.1 to 3. None for respondent no.4.

2. The applicant was appointed as Assistant Public Prosecutor in the year 2002 and was due for promotion in the year 2007. However a charge sheet was served to the applicant on 22/09/2013 which has not been finalised till today. It is against the decision of Hon'ble Apex Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr., decided on 16 December, 2015** in Civil Appeal No. 958 of 2010 in which it is held that departmental inquiry should be completed within six months and outer limit is given as one year.

3. Heard learned counsel for applicant Shri A.C. Dharmadhikari. As per his submission, in the DPC the result of the applicant is kept in sealed cover.

4. Heard learned P.O. Shri S.A. Sainis. He has submitted that the criminal case is pending against the applicant and therefore the departmental inquiry is pending.

5. The Hon'ble Apex Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr., decided on**

16 December, 2015 in Civil Appeal No. 958 of 2010 has given specific direction to complete the departmental inquiry within a period of six months and outer limit is given as one year.

6. In the present matter, the departmental inquiry was initiated on 22/09/2013. There is no dispute that till date the departmental inquiry is not completed.

7. In the DPC, the result of the applicant is kept in sealed envelope. The Hon'ble Apex Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr., decided on 16 December, 2015** has observed in para nos.31 and 33 as under –

“(31) Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

33) Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended

period depending upon the cause and the nature of inquiry but not more than a year.”

8. In view of the Judgment of Hon’ble Apex Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr., decided on 16 December, 2015** in Civil Appeal No. 958 of 2010, we pass the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The departmental inquiry pending against the applicant is hereby quashed and set aside.
- (iii) The respondents are directed to open the sealed envelope in the coming DPC and promote the applicant, if he is eligible for promotion.
- (iv) The respondents are directed to hold next DPC within a period of three months from the date of receipt of this order.
- (v) No order as to costs.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

Dated :- 22/08/2022.

dnk.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Uploaded on : 25/08/2022.

*