

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 755 of 2020 (D.B.)**

Chandrakant Kesharao Borkar,  
Aged about 63 years,  
Occ. Retired, R/o F-101 Jyeshtha Apartment,  
Opposite HP Petrol Pump,  
Near Mahakalkar Sabhagruh,  
Dattatraya Nagar, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Additional Chief Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai.
- 2) Collector, Nagpur.
- 3) Regional Departmental Enquiry Officer,  
having its office at Commissionerate Building,  
Civil Lines, Nagpur.

**Respondents.**

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**Shri S.P. Palshikar, Advocate for the applicant.**

**Shri A.M. Ghogre, learned P.O. for respondents.**

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

**Dated :- 29/06/2022.**

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**JUDGMENT**

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

Heard Shri S.P. Palshikar, learned counsel for the  
applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was appointed in the year 1990 as Naib Tahsildar. He was initially posted at Amravati Division. Thereafter, in the year 1997 he was promoted as a Tahsildar. In the year 2008, he was promoted as a Deputy Collector / Sub Divisional Officer. He has worked in the same capacity from time to time. The applicant's date of birth is 20/8/1957. As per his date of birth, the applicant retired on attaining the age of superannuation on 31/8/2015.

3. While the applicant was working as a Sub Divisional Officer at Mauda Sub Division, Nagpur District, a charge sheet was issued on 28/8/2015, which was served on him on 31/8/2015, i.e., on the date of retirement wherein certain charges were levelled against him. The applicant has filed his reply on 13/10/2015 and denied the charges levelled against him. Thereafter, the respondent no.1 by its order dated 30/7/2016 has appointed the Enquiry Officer and has delegated the powers to the Divisional Commissioner, Nagpur to appoint Presenting Officer. The Divisional Commissioner, Nagpur by order dated 10/8/2016 appointed the Presenting Officer.

4. It is submitted that the inquiry is pending since long i.e. from the year 2015. charges which are levelled against the applicant are in respect of some minor mistakes and i.e. from the year

2013 to 2015. Hence, the applicant prayed to quash and set aside the impugned charge sheet.

5. The O.A. is strongly opposed by the respondents. It is submitted that departmental inquiry is going on. It cannot be quashed and set aside.

6. During the course of argument, learned P.O. Shri A.M. Ghogre has submitted that because of the stay order granted by this Tribunal, no action is taken against the applicant in respect of outcome of the inquiry conducted against the applicant.

7. Heard Shri S.P. Palshikar, learned counsel for the applicant. He has filed the copy of Judgment passed by this Tribunal in O.A. 727/2021, delivered on 23/3/2022 and copy Judgment of the M.A.T., Bench at Aurangabad in O.A. 352/2021, delivered on 03/02/2022. Same are taken on record and marked Exh-X and X1 for identification. He has relied on the Judgment of Hon'ble Apex Court in the case of **Premnath Bali Vs. Registrar, High Court, Delhi & Ano., AIR 2016 SCC,101** and the Judgments delivered by this Tribunal in O.A. 727/2021 and O.A. 352/2021. The learned counsel has submitted that even perusal of the charge sheet, it appears that the charges are minor, those are of the year 2013 to 2015. From the

perusal of the charges, it appears that those are in respect of the minor mistakes committed by the applicant.

8. There is no dispute that on the day of retirement, the charge sheet was served on the applicant. It appears from the charge sheet, the charges are in respect of the mistakes / misconduct from the year 2013. The respondents were at liberty to take necessary steps against the applicant prior to retirement of the applicant. When the applicant retired on 31/8/2015, the respondents have served the charge sheet. This demonstrates the intention of the respondents to harass the applicant. If it was really any misconduct on the part of the applicant, then the respondents should have initiated the departmental inquiry by issuing charge sheet prior to retirement of the applicant. Moreover, conduct of the respondents shows that they have prolonged the departmental inquiry. The charge sheet dated 28/8/2015 was served on the applicant on the date of his retirement. The Inquiry Officer was appointed on 30/07/2016. The Presenting Officer was appointed on 10/8/2016.

9. There was no any hurdle for the respondents to proceed further. The order of this Tribunal dated 19/3/2021 shows that the respondents were directed not to take any action against the applicant till filing reply. The reply was filed long back i.e. on 2/7/2021. Thereafter this order was not extended. Now the respondents cannot

say that because of the stay the respondents could not take final action against the applicant.

10. It is clear from the action of the respondents that the departmental inquiry /proceeding is prolonged from the year 2015 i.e. for about 7 years. The charges appear to be very minor. The Hon'ble Supreme Court has given guidelines in the case of **Premnath Bali Vs. Registrar, High Court, Delhi & Ano., AIR 2016 SCC,101.** The relevant para nos.30 to 33 are reproduced as under -

“30) We are constrained to observe as to why the departmental proceeding, which involved only one charge and that too uncomplicated, have taken more than 9 years to conclude the departmental inquiry. No justification was forthcoming from the respondents' side to explain the undue delay in completion of the departmental inquiry except to throw blame on the appellant's conduct which we feel, was not fully justified.

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.

32) As a matter of experience, we often notice that after completion of the inquiry, the issue involved therein does not come to an end because if the findings of the inquiry proceedings have gone against the delinquent employee, he invariably pursues the issue in Court to ventilate his grievance, which again consumes time for its final conclusion.

**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”.

11. It is clear that the Employer / Appointing Authority shall dispose of departmental inquiry as expeditiously as possible within a period of six months, if not possible then outer limit is given one year. The respondents have started departmental inquiry in the year 2015 and after seven years also it is not completed. In view of the Judgment of **Premnath Bali Vs. Registrar, High Court, Delhi & Ano., AIR 2016 SCC,101**, the following order is passed –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The charge sheet / inquiry no. 34/2016 initiated against the applicant is hereby quashed and set aside.
- (iii) The applicant is exonerated from all the charges levelled against him.
- (iv) No order as to costs.

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

**(Shree Bhagwan)**  
**Vice- Chairman**

**Dated** :- 29/06/2022.

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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.

Judgment signed on : 29/06/2022.

Uploaded on : 30/06/2022.

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