

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 931 of 2021 (D.B.)**

Pradeep S/o Lalsingh Pawar,  
Aged about 50 years, Occ. Service as Tahasildar Murtijapur,  
Dist. Akola,  
R/o C/o Tahasil Office, Murtijapur,  
Tah. Murtijapur, Dist. Akola,

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Revenue and Forest  
Department, Mantralaya, Mumbai-32.
- 2) The State of Maharashtra,  
through its Secretary, Food and Supplies and  
Consumer Protection Department,  
Mantralaya, Mumbai-32.
- 3) The Divisional Commissioner,  
Amravati Division, By Pass Road Camp,  
Amravati, District Amravati.
- 4) Divisional Enquiry Officer, Amravati  
Division Amravati, C/o Divisional Commissioner office,  
By Pass Road, Camp, Amravati, District Amravati.

**Respondents.**

---

**Shri V.B. Gawali, Advocate for the applicant.**

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

---

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

**Dated :- 28/06/2022.**

---

## **JUDGMENT**

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

Heard Shri V.B. Gawali, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The applicant is appointed as a Naib Tahsildar with the respondent no.1 department. He rendered his service as Naib Tahsildar in Amravati District. Thereafter he was promoted in the year 2009 as Tahsildar. The service tenure of the applicant as Tahsildar, Mangrulpir was for the period from 1/6/2010 to 9/4/2013. Thereafter the applicant was transferred to Tahasil Anjangaon Surji, District Amravati and joined there on 12/4/2020. The applicant is presently posted as Tahasildar at Tahasil Murtijapur, District Akola. On 31/7/2019, the Divisional Promotion Committee (DPC) meeting was held wherein the name of applicant appeared at Sr.No. 104. Thereafter at Sr.No.23 mentioning the remark as "Sealed Packet" as departmental inquiry is pending. Moreover in description portion the applicant appears at Sr.No.20 wherein it is mentioned that departmental inquiry, in view of the Rule 8 of the Maharashtra Civil Services (Appeal and Discipline) Rules, 1979 is pending.

3. It is submitted that as per the order dated 14/8/2019, total 98 and upto seniority list no.1193 the candidates are promoted as

Deputy Collector whereas the applicant is at Seniority list no.1151, but due to long pending departmental inquiry the promotion is denied to the applicant. The enquiry committee submitted its report and two members who are part of allegations exonerated themselves from the enquiry report.

4. On 5/3/2019, the applicant made the representation to the respondent nos.1 and 3 regarding long pending departmental inquiry and speedy decision of the same. The applicant again made representation to the respondent no.3 on 28/7/2020 reiterating the same request for speedy decision. The applicant lastly made representation on 13/7/2021 for speedy disposal of the pending departmental inquiry, but the Inquiry Officer not decided the same.

5. It is submitted that the respondents are not deciding the departmental inquiry expeditiously, therefore, prayed to quash and set aside the departmental inquiry.

6. The O.A. is strongly opposed by the respondents. It is submitted in para-11 of the reply as under –

*“(11) It is submitted that present answering respondent, Dy. Commissioner of Entertainment Tax, is in additional charge of the post of Departmental Enquiry Officer, as the post is vacant from last 4 years. At present, process of departmental inquiry is going on in total 253 cases and 54 cases are pending for preparation of final enquiry, out of which final enquiry report is sent in 30 cases and applicant’s*

*case is on sr.no.47. As each and every case is equally important, all cases closed for preparation of final enquiry report, are being disposed of as per their seniority and the present case will be disposed off accordingly and it may take about 6 months.”*

7. After filing the reply, specific directions were given on 13/1/2022 directing the P.O. to get instructions, but till date inquiry is not completed.

8. Heard learned counsel for the applicant Shri V.B. Gawali. He has filed the copy of decision of this Tribunal in O.A. 727/2021, delivered on 23/3/2022. The learned counsel has pointed out the Judgment of Hon'ble Apex Court in the case of **Premnath Bali Vs. Registrar, High Court, Delhi & Ano., AIR 2016 SCC,101.** On the basis of Judgment of Hon'ble Apex Court, this Tribunal has taken a view that inquiry shall be completed within six months, if it is not possible then outer limit for completion of departmental inquiry is one year.

9. The applicant is facing departmental inquiry since 2014 and till date the said departmental inquiry is not completed. In view of the Judgment of Hon'ble Apex Court in the case of **Premnath Bali Vs. Registrar, High Court, Delhi & Ano.** (cited above), pending departmental inquiry against the applicant is liable to quash. Hence, the following order –

**ORDER**

(i) The O.A. is allowed.

(ii) The impugned departmental inquiry initiated against the applicant as per the charge sheet dated 18/4/2015 is hereby quashed and set aside, the applicant is exonerated from all the charges levelled against him.

(iii) No order as to costs.

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

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

**Dated** :- 28/06/2022.

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.

Judgment signed on : 28/06/2022.

Uploaded on : 29/06/2022.

\*