

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 72/2021 (D.B.)

- 1) Ramesh Gautamrao Ghodmare,
Aged about 63 years,
Occupation Retired,
R/o Krushna Nagar, Ward No.34,
Wardha, Tahsil & District Wardha.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Department of Agriculture,
Animal Husbandry & Dairy Development,
Mantralaya, Mumbai-32.
- 2) The Commissioner of Agriculture,
M.S., Central Building, Pune.
- 3) The Regional Joint Director of Agriculture,
Amravati Region, Amravati.

Respondents

Shri D.M.Kakani, Ld. Counsel for the applicant.
Shri H.K.Pande, Ld. P.O. for the respondents.

**Coram:-Hon'ble Shri Shree Bhagwan, Vice-Chairman and
Hon'ble Shri M.A.Lovekar, Member (J).**

Dated: - 23rd November 2022.

With

ORIGINAL APPLICATION NO. 73/2021

- 1) Dilip Vitthalrao Wandile,
Aged about 65 years,
Occupation Retired,
R/o Gond Plots, Kejaji Chowk,
Wardha, Tahsil & District Wardha.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Agriculture,
Animal Husbandry & Dairy Development,
Mantralaya, Mumbai-32.
- 2) The Commissioner of Agriculture,
M.S., Central Building, Pune.
- 3) The Regional Joint Director of Agriculture,
Amravati Region, Amravati.

Respondents

Shri D.M.Kakani, Ld. Counsel for the applicant.
Shri H.K.Pande, Ld. P.O. for the respondents.

**Coram:-Hon'ble Shri Shree Bhagwan, Vice-Chairman and
Hon'ble Shri M.A.Lovekar, Member (J).**

Dated: - 23rd November 2022.

JUDGMENT**Per : Member (I).****Judgment is reserved on 17th November, 2022.****Judgment is pronounced on 23rd November, 2022.**

Heard Shri D.M.Kakani, learned counsel for the applicants and Shri H.K.Pande, learned P.O. for the respondents.

2. These connected O.As. were heard together and the same are being decided by this common judgment.
3. Case of the applicants is as follows.

The applicants were serving in the respondent department. They and several others were served with a charge sheet dated 22.07.2011. They were placed under suspension. Suspension was later on revoked. They were charged with a failure to ensure proper extension of benefits like Agricultural implements tools, bullocks, bullock carts, manure etc. under package to economically weaker Agriculturists in the Vidarbha Region. They submitted reply to the charge. The applicant in O.A.No.72 of 2021 retired on superannuation on 30.09.2015 whereas the applicant in O.A.No.73 of 2021 retired on superannuation on 30.04.2014. The enquiry is still pending. Part of their retiral benefits has been withheld due to pendency of inquiry. Further continuance of the inquiry would be

opposed to the mandate given by the Hon'ble Supreme Court in **Premnath Bali Vs. Registrar High Court of Delhi and Another AIR 2016 SCC 101**, and the respondents be directed to release the remainder of retiral benefits with interest. Hence, these O.As.

4. In their reply respondents 1 to 3 have averred as follows. Provisional Pension is being paid regularly to the applicants. Except gratuity all other retiral benefits are paid to them. Gratuity is withheld in view of Rules 130-C and 27(2)(a) of the MCS (Pension) Rules, 1982. The departmental enquiry is on the verge of conclusion. For these reasons the O.As. are liable to be dismissed.

5. The applicants have relied on **Premnath Bali (Supra)**. In this ruling it is held-

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.

In the instant cases nothing is placed on record to explain prolonged pendency of departmental enquiry for more than 11 yrs.

6. The respondents have relied on the judgment dated 19.10.2022 in W.P.No.6353/2022 delivered by Nagpur Bench of the Hon'ble Bombay High Court. In this case it is held, on facts, that the Original Applicant had failed in establishing prejudice caused to him due to prolonged pendency of departmental enquiry and hence order of this Tribunal quashing charge sheet could not be sustained. This ruling is distinguishable on facts. In the cases before us the applicants retired more than seven years ago. The enquiry is pending for more than 11 years. No explanation is forthcoming for such prolonged pendency. Amount of gratuity payable to the applicant has been withheld. Only provisional pension is being paid to them. All these circumstances taken together can be said to have caused prejudice to the applicants. Pendency of departmental enquiry for a period which is inordinately long is bound to lead to an order of quashing charge sheet in view of Premnath Bali (Supra). Hence, the order.

ORDER

The O.As. are allowed with no order as to costs.

The impugned departmental enquiry, so far as it relates to the applicants, initiated by charge sheet dated 22.07.2011, is quashed and set aside. The applicants stand exonerated of charges laid against them. The respondents are directed to pay to the applicants remainder of retiral benefits with interest as per relevant rules – within two months from the date of receipt of this order.

(M.A.Lovekar)
Member (J)

(Shree Bhagwan)
Vice Chairman

Dated – 23/11/2022

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman &
Court of Hon'ble Member (J).
Judgment signed on : 23/11/2022.
and pronounced on
Uploaded on : 23/11/2022.