

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 861/2021 (D.B.)**

Chhagan Tukaram Ingale,  
Age about 59 years, Occ. Retired Govt. Servant,  
R/o At Papal, Post Tembhurni,  
Taluka Jafarabad, Dist. Jalana.

**Applicant.**

**Versus**

- 1) State of Maharashtra  
Through the Secretary, Department of Home,  
Mantralaya, Mumbai-32.
- 2) Additional Chief Secretary,  
Department of Home,  
2<sup>nd</sup> Floor, Main Building,  
Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Mantralaya, Mumbai-32.

**Respondents.**

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**Shri R.V.Shiralkar, Id. counsel for the applicant.**  
**Shri A.M.Khadatkar, Id. P.O. for respondents.**

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**Coram :- Shri Shree Bhagwan, Vice-Chairman and**  
**Shri Justice M.G.Giratkar, Member (J).**  
**Dated :- 31/01/2022.**

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**JUDGMENT**

**Per : Vice Chairman.**

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and  
Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. The facts of the case is that applicant was appointed as Sub  
Inspector of Police in 1988. The applicant worked on the post of Sub  
Inspector till 2002. In the year 2002 applicant came to be promoted as

Assistant Police Inspector. In the year 2007, the applicant was promoted as Police Inspector. Lastly applicant was promoted as Deputy Superintendent of Police by an order dated 11.08.2017 and came to be posted at Buldana. Thereafter by an order dated 01.01.2018, the applicant came to be transferred at Akot and Joined the post Sub Divisional Police Officer at Akot.

3. During service tenure the applicant has received 286 rewards. The applicant is also recipient of D.G. Insignia in the year 2014. The applicant stood retired from service on 31.01.2020 (O.A. at pg. no. 3). By order dated 27.04.2018 applicant was placed under suspension. He made representation of suspension citing Judgment of Hon'ble Apex Court. However, relief was not granted and applicant filed O.A. No. 237/2019.

4. Relying on the Judgment of Hon'ble Apex Court and Government G.R. dated 09.07.2019 order was passed by this Tribunal on 17.07.2019 to revoke the suspension order (A-1, Pg. No. 13). Subsequently, R-1 issued chargesheet to the applicant vide order dated 01.08.2019. Applicant filed this O.A. on 22.09.2021 and relief clause is as reproduced below:-

*"A. Quash and set aside charge sheet dated 01.08.2019 issued by the respondent no. 1 as the respondents have failed*

*to conclude departmental enquiry within period of 1 year and time granted by this Hon'ble Tribunal.*

*B. Direct the respondents to release all pensionary benefits of the applicant which are being withheld within stipulated period."*

5. The Government of Maharashtra vide its G.R. dated 24.02.1997 (ifji=d dekd] I Mhvkj&1097@156@i:dz14@17@vdjk) and in its para no. 2 on page no. 2 has given clear directions that D.E. should be completed within all aspects within a period of one year. Related to completion of D.E. within one year Government has directed various steps also to be followed in time. In this case though chargsheet was served on 01.08.2019 and directions of Government of Maharashtra vide this G.R. have not been following till now. Subsequent to that Hon'ble Apex Court Judgment in **Civil Appeal No. 958/2010 in Prem Nath Bali Vs. Registrar, High Court of Delhi and others delivered on 16.12.2015**. In para no. 33 following observation has been made by Hon'ble Apex Court regarding completion of D.E., which is below:-

*"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."*

6. The matter was heard on 29.09.2021 and notice were issued to the respondents returnable after four weeks, again matter was heard on 22.12.2021, however, reply was not filed, again matter was heard on 11.01.2022 and it was observed that if reply is not filed till next date matter will be decided on merit, again matter was heard on 25.01.2022 and reply is not filed. So on last four occasions and even clear directions as discussed in para no. 5 of the said Judgment; respondents were given chance to file reply but they have failed to file reply.

7. Since chargesheet was served on 01.08.2019, as per Hon'ble Apex Court observations it was ought to be finished by 31.12.2019. However, maximum extension period was till 30.06.2020. Now, that period has also passed for more than 1½ years and respondents neither filed reply nor completed D.E.. The Id. counsel for the applicant submits that no progress has been taken place regarding D.E. till now. Applicant is already a retired person on 31.01.2020 only. Applicant has submitted representation to Government dated 22.08.2019 (A-4, Pg. No. 30) to

complete the inquiry. He has also requested to regional inquiry officer vide his representation dated 26.11.2020 (A-5, Pg. No. 32) to complete the inquiry at earliest. However, no progress has been done.

8. In such circumstances, where respondents have neither followed guidelines given by Hon'ble Apex Court & G.R. dated 24.02.1997 nor filing reply before the Tribunal and at the same time not completing the inquiry, so they now forfeit the right to go ahead with the inquiry order issued dated 01.08.2019 (Page no. 21). In view of discussions in above paras, following order:-

### **ORDER**

1. The O.A. is allowed in terms of relief clause nos. 7 (A) & (B).
2. Chargesheet issued dated 01.08.2019 is quashed and set aside.
3. Applicant is entitled for all the pensionary benefits as per Maharashtra Civil Services (Pension) Rules, 1982.
4. No order as to costs.

**(M.G.Giratkar)**  
**Member(J).**

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

**Dated** :- 31/01/2022.

\*aps.

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

Name of Steno : A.P.Srivastava

Court Name : Court of Hon'ble V.C. and Member (J).

Judgment signed on : 31/01/2022.

Uploaded on : 01/02/2022.