

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****CIVIL APPLICATION No.432 of 2023****IN ORIGINAL APPLICATION No. 956 of 2022 (D.B.)**

Dilip S/o Keshavrao Lad,
Aged about 64 years, Occ: Retired Taluka Agriculture Officer,
Amravati, R/o B-8, Yashashree Row Houses, Ganuwadi Lay-out,
Old Bye-pass Road, Amravati- 444606

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary, Agriculture Department,
Mumbai-32.
- 2) Commissioner of Agriculture (M.S.), Pune-5.
- 3) Divisional Joint Director of Agriculture, Amravati Division,
Krushi Sankool, Vidyapeeth Road, Amravati-444602.

Respondents.

Shri P.V. Thakre, Advocate for the applicant.
Shri H.K. Pande, learned P.O. for respondents.

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

Dated :- 12/09/2023.

J U D G M E N T

Heard Shri P.V. Thakre, learned counsel for the applicant
and Shri H.K. Pande, learned P.O. for the respondents.

2. The regular Division Bench is not available. The Hon'ble
Chairperson, M.A.T., Principal Bench, Mumbai issued Circular
No.MAT/MUM/ JUD/469/2023,dated 24/04/2023. As per the direction

of Hon'ble Chairperson, if both the parties have consented for final disposal, then regular matter pending before the Division Bench can be disposed off finally. The matter is heard finally and decided with the consent of learned counsel for both the parties.

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

The applicant was working as Agriculture Officer. He was posted at Warud, Dist. Amravati in the year 2010. On 01/08/2014, the respondent no.1 issued the charge sheet against the applicant and two others taking the recourse of Rule 12 (1) (2) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. On 30/04/2016, the applicant is retired on superannuation. On 25/11/2018, the applicant submitted his explanation. The applicant submitted before the Inquiry Officer that he is unable to face the inquiry and accepted all the charges levelled against him. He, therefore, requested to submit the closer report to the respondent no.1. The Inquiry Officer submitted closer report to respondent no.1 on 26/02/2001. However, till date no any action is taken by respondent no.1 on the closer report submitted by the Inquiry Officer. Hence, the applicant approached to this Tribunal for direction to the respondent no.1 to pass final order in respect of disciplinary proceedings initiated by charge sheet dated 01/08/2014. The reply is not filed by the respondents.

4. The documents filed on record clearly show that the applicant is only praying for direction to respondent no.1 to take decision. The applicant has already admitted the charges levelled against him.

5. As per the closer report submitted by the Inquiry Officer dated 26/02/2021 which was received by respondent no.3 on 19/03/2021 clearly shows that the applicant has accepted the charges levelled against him and therefore the Inquiry Officer submitted closer report for taking necessary decision by respondent no.1. The material portion of the letter dated 26/02/2021 is reproduced as below –

“सादर प्रकरणी दिनांक ११.०२.२०२१ रोजी अपचारी अधिकारी श्री. दिलीप केशवराव लाड, तत्का. तालुका कृषि अधिकारी, वरूड यांनी महाराष्ट्र नागरी सेवा (शिस्त व अपिल) नियम १९७९ चे नियम ८ (९) अन्वये चौकशी प्राधिकरणासमक्ष सादर केलेल्या प्राथमिक निवेदनामध्ये त्यांच्यावर लावण्यात आलेले सर्व दोषारोप मान्य असल्याचे कबुल केलेले आहे. अपचारी अधिकारी क्र. १ श्री. लाड यांनी त्यांचेवर लावण्यात आलेले सर्व दोषारोप कबुल केलेले असल्याने त्याच्या विरूद्ध विभागीय चौकशीची कार्यवाही संपुष्टात येत असल्याने अपचारी अधिकारी श्री. लाड यांचे प्रकरणात जोडपत्र १ ते ४ व ईतर सर्व दस्तऐवज पुढील आवश्यक कार्यवाही करीता या सोबत आपणाकडे सादर करण्यात येत आहे.”

6. The applicant is only seeking direction for respondent no.1 to take decision in respect of departmental inquiry. The charges are already admitted by the applicant. The respondent no.1 is at liberty to take decision in respect of charges etc, but since 2021 respondent

no.1 not taken any decision as per the report of Inquiry Officer dated 26/02/2021. Hence, the following order is passed –

ORDER

- (i) The respondent no.1 is directed to take decision in respect of disciplinary proceedings initiated by charge sheet dated 01/08/2014 against the applicant within a period of three months from the date of receipt of this order.
- (ii) The O.A. and C.A. are disposed of.
- (iii) No order as to costs.

Dated :- 12/09/2023.

(Justice M.G. Giratkar)
Vice Chairman.

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 : 12/09/2023.