

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**REVIEW APPLICATION NO.24 OF 2019
IN
ORIGINAL APPLICATION NOS.277 & 278 OF 2017**

1. The Divisional Joint Director.)
Agriculture Konkan Division,)
O/at Krushi Bhavan Wagle Estate,)
Road No.16, Z-Lane, Thane – 4.)

2. The State of Maharashtra.)
Through Principal Secretary)
(Agriculture), Agriculture, Animal)
Husbandry Dairy Development &)
Fisheries Department, Mantralaya,)
Mumbai – 400 032.)
)...Applicants
(Ori. Respondents)

Versus

Shri Muktaji Shivaji Shete.)
Age : 43 Yrs, Occu.: Agriculture Assistant)
(now under suspension), R/at Shivshakti)
Apts., Room No.1, Krivali, Neral Road,)
Karjat, District : Raigad.)
)...Respondent
(Ori. Applicant in O.A.277/17)

And

Shri Balasaheb N. Mane.)
Age : 41 Yrs., Occu.: Agriculture Assistant)
(now under suspension) R/at 201, Nav Om)
Shri Krupa C.H.S.Ltd., Dr. Mujamdar)
Marg, Badlapur (E), District : Thane.)
)...Respondent
(Ori. Applicant in O.A.278/17)

Ms. S.P. Manchekar, C.P.O. for Applicants (Ori. Respondents)

Mr. M.S. Shete & Mr. B.N. Mane, Respondents in person (Ori. Applicants)

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 24.02.2020

JUDGMENT

1. Heard Original Applicant Shri Balasaheb N. Mane in person. The Applicant in O.A.277/2017 though served is absent. Heard Ms. S.P. Manchekar, learned C.P.O. for Original Respondents.

2. This R.A. is filed by the State to modify the operative order passed in O.A.Nos.277 & 278/2017 disposed of on 27.11.2019. These two O.As. were filed challenging suspension. However, during the pendency of O.A, the Applicants were reinstated in service. Therefore, both the O.As were disposed of with common order, which is as follows :-

- “(A) Both these Original Applications are disposed of with direction to the Respondents to complete the D.E. pending against the Applicants including passing final order therein within six months from today.
- (B) If the Respondents failed to pass final order in D.E. within six months from today, the Applicants will be entitled for posting at the place of suspension.
- (C) With these directions, Original Applications are disposed of with no order as to costs.”

3. The present Review Application was filed by the State to modify the operative order on the ground that the Applicants themselves have filed an application before Enquiry Officer to keep D.E. pending till the decision of Criminal Case, and therefore, the directions given by the

Tribunal to dispose of D.E. within six months from the date of order needs to be modified. The learned C.P.O. has also produced the copy of applications made by the Applicants before Enquiry Officer wherein they have prayed to keep the D.E. pending till the decision of Criminal Case on the ground that the witnesses in Criminal Case and D.E. are same, and therefore, if D.E. is completed, it would fall prejudice to their defence in Criminal Case.

4. The Applicant Shri Balasaheb N. Mane is present in person and has tendered reply reiterating the stand taken before the Enquiry Officer to keep D.E. pending till the decision of Criminal Case. The reply is taken on record and marked by letter 'X' for identification.

5. In view of above, it is quite clear that the directions given by the Tribunal needs to be modified in view of the stand taken by the Applicant themselves.

6. In view of above, the directions given in operative order vide Clauses (A) and (B) stands recalled and O.A.Nos.277 & 278/2017 be treated disposed of without any such direction.

7. Review Application is accordingly allowed with no order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai
Date : 24.02.2020
Dictation taken by :
S.K. Wamanse.