

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**MISCELLANEOUS APPLICATION NO.41/2018
IN
ORIGINAL APPLICATION ST. NO.322/2017**

DISTRICT: - NANDED

Venkat Marutirao Methe,
Age : 64 years, Occu. : Nil-Pensioner,
R/o. Bhakti Niwas, Rajesh Nagar,
Taroda Naka, Nanded 431 605.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through the Principle Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-400 032.

2) The Settlement Commissioner &
Director of Land Records,
New Administrative Building,
In front of Council Hall,
Pune 411 001.

...RESPONDENTS

APPEARANCE :Shri Ajay Deshpande Advocate for
Applicant.

:Shri N.U.Yadav Presenting Officer for the
respondents.

CORAM : B. P. Patil, Member (J)

DATE : 13th August, 2018

O R A L O R D E R
[Delivered on 13th day of August 2018]

1. The applicant has filed the present M.A. for
amendment in the O.A.

2. It is contention of the applicant that he has filed O.A. praying to direct the respondents to extend all the financial benefits to him including promotion on the post of Superintendent of Land Records and Deputy Director of Land Records by quashing and setting aside the order of punishment imposed by the respondent no.1 on 17-11-2015. It is contention of the applicant that the departmental enquiry was initiated against him on 20-11-1991. The Enquiry Officer submitted report in the month of March, 1995 but the respondents kept the said report in the cold storage for 18 years till the year 2013. The applicant stood retired on attaining age of superannuation on 30-09-2012. He was punished in the departmental enquiry by order dated 17-11-2015 and punishment of deduction of 3% amount for a period of one year from the pension came to be inflicted on him under Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982. It is his contention that his claim for promotion was not considered and his juniors came to be promoted as Superintendent of Land Records and thereafter as Deputy Director of Land Records on 11-03-1996 and 03-06-2006, respectively. It is his contention that the departmental enquiry initiated against him was kept pending for more

than 20 years without any reason and it was finally decided on 17-11-2015. He has filed O.A. claiming promotion and financial benefits but the prayer in that regard and quashing order dated 17-11-2015 by which punishment was inflicted on him remained to be added. Therefore, the applicant has filed the present application and prayed to allow him to insert paragraph 15-A to 15-C and prayer clause A in the O.A.

3. It is his contention that the proposed amendment is consistent with the earlier pleadings in the O.A., and therefore, he prayed to allow the M.A. in the interest of justice.

4. Respondents resisted the M.A. for amendment by filing affidavit in reply on the ground that applicant had not shown just reasons for allowing the M.A. and for amending the O.A. It is their contention that the applicant was involved in a case of disbursement of medical reimbursement bill to one Shri B.D.Kekan, and therefore, the chargesheet had been issued to him. As the departmental enquiry was pending against him, Departmental Promotion Committee (DPC) had taken decision not to promote him from time to time but the

applicant had not challenged the said decision in time, and therefore, O.A. is not maintainable. It is their contention that the applicant has not challenged the decision dated 17-11-2015 imposing penalty on the applicant in the departmental enquiry. It is their contention that the O.A. is barred by limitation. Therefore, they have prayed to reject the amendment as proposed by the applicant.

5. I have heard Shri Ajay Deshpande Advocate for Applicant and Shri N.U.Yadav Presenting Officer for the respondents. Perused documents produced on record by the parties.

6. Learned Advocate for the applicant has submitted that proposed amendment is consistent with the pleadings in the O.A. Inadvertently, pleadings challenging the order dated 17-11-2015 passed in the O.A. remained to be added. Likewise some pleadings also remained to be added in the O.A. Therefore, the applicant has filed the present M.A. He has prayed to allow the M.A. in the interest of justice.

7. Learned P.O. has submitted that the proposed amendment is time barred, and therefore, such amendment cannot be allowed. He has submitted that no just reason

has been shown by the applicant for allowing the M.A. Therefore, he prayed to reject the M.A.

8. On going through the contentions of the applicant, it reveals that the applicant wants to challenge the order dated 17-11-2015 passed in the departmental enquiry by which punishment was inflicted on him and 3% amount from his pension for one year has been deducted. Proposed amendment, by which the applicant is claiming that the said order has to be quashed is barred by limitation. Therefore, no such application proposing time barred amendment can be allowed. Not only this but the applicant had also not challenged the impugned order before the appellate authority as provided under Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.

9. Therefore, in my opinion, there is no just ground to allow the proposed amendment. Consequently, the M.A. for amendment deserves to be rejected. In view of this M.A. stands rejected.

(B. P. PATIL)
MEMBER (J)

Place : Aurangabad

Date : 13-08-2018.

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