

**BEFORE THE MAHARASHTRA STATE ADMINISTRATIVE
TRIBUNAL, MUMBAI BENCH**

ORIGINAL APPLICATION NO. _____ OF 2025

BETWEEN

SHRI. SANJAY MAHADEO BAMANE

APPLICANT

V/S.

STATE OF MAHARASHTRA AND OTHERS

RESPONDENTS

I N D E X

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(ADVOCATE FOR THE APPLICANT)

PLACE : PUNE

(PUNAM MAHAJAN)

DATED :11/02/2025

**BEFORE THE MAHARASHTRA STATE ADMINISTRATIVE
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ORIGINAL APPLICATION NO. _____ OF 2025

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SHRI. SANJAY MAHADEO BAMANE

APPLICANT

V/S.

STATE OF MAHARASHTRA AND OTHERS

RESPONDENT

SYNOPSIS AND LIST OF DATES

The Applicant is aggrieved by the inaction of the Respondent No 2 not releasing regular pension and pensionary benefits and departmental enquiry still pending after a period of more than 3 years,

15/07/1966 – Date of birth of the applicant.

29/12/1990 – Applicant joined Government service under the Directorate of Geology & Mining, Nagpur.

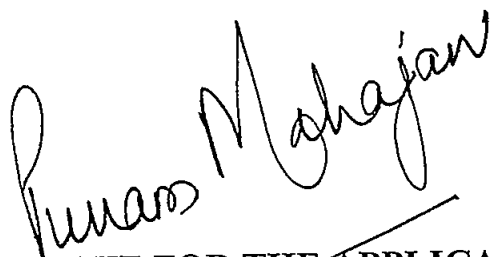
- 05/03/2015 – Applicant assumed charge as District Mining Officer, Ahmednagar.
- 31/05/2019 – Applicant was transferred from the post of District Mining Officer, Ahmednagar.
- 14/01/2022 – Respondent No. 1 issued a letter cum charge sheet to the applicant, informing that a proposal for initiating a departmental enquiry under Rule 10 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, was submitted to the Government.
- 27/01/2022 – Applicant submitted a detailed reply to the charge sheet dated 14/01/2022 to the Revenue Department, District Collector Office, Ahmednagar, through the Mining Department, District Collector Office, Pune.

- 31/07/2024 – Applicant retired on superannuation from the post of District Mining Officer, Collectorate, Mumbai Suburban.
- 22/08/2024 – Applicant submitted a representation to Respondent No. 2 requesting a No Objection Certificate to obtain a No Due Certificate for receiving pensionary benefits.
- 07/04/2008 – Circular issued directing that departmental enquiries should be completed within six months from the date of deciding to initiate the enquiry.
- 16/12/2015 – Hon'ble Supreme Court passed a judgment in Prem Nath Bali vs Registrar, High Court of Delhi and Another, (2015) 16 SCC 415, directing that departmental enquiries should be concluded within the shortest possible time, preferably within six months.

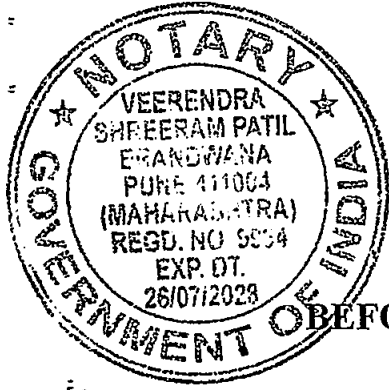
Till date – The departmental enquiry remains pending for more than three years without resolution.

Grave injustice and prejudice has been caused to the Applicant.

Hence this Petition.


(ADVOCATE FOR THE APPLICANT)
(PUNAM MAHAJAN)

PLACE : PUNE
DATED : 11/02/2025



1

11 FEB 2025

BEFORE THE MAHARASHTRA STATE ADMINISTRATIVE
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ORIGINAL APPLICATION NO. _____ OF 2025

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SHRI. SANJAY MAHADEO BAMANE

APPLICANT

V/S.

STATE OF MAHARASHTRA AND OTHERS

RESPONDENTS

DETAILS OF THE APPLICATION:

1) PARTICULARS OF THE APPLICANT

Shri. Sanjay Mahadeo Bamane

Age- 58years

Retired as District Mining Officer

Collectorate Mumbai Suburban

Office of the Collector, Mumbai Suburban

Residing at – “Swapnashilpa” Bungalow

Yashashree Colony,

Karvenagar, Pune-411 052



Mobile No. 8623912706

Email Id-

Address for service of notice
Same as above

APPLICANT

2) PARTICULARS OF THE RESPONDENTS

1. State of Maharashtra,

Through the Additional Chief Secretary,

Revenue and Forest Department,

Mantralaya,

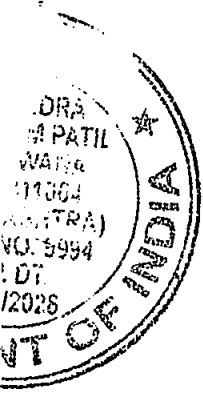
Mumbai - 400 032.

2. Additional Chief Secretary,

Industries, Energy, Labour & Mining Department

Mantralaya, Mumbai – 400 032

3. Collector Office,



Mining Department

Ahmednagar

4. Section Officer,

Revenue & Forest Departmental Enquiry Department

Mantralay, Mumbai 400032

Address for service of notice

Same as above

RESPONDENTS

**3) PARTICULARS OF THE ORDER AGAINST WHICH
THE APPLICATION IS MADE :**

DATE :

ORDER NO. :

**SUBJECT IN BRIEF : PENSION & PENSIONARY
BENEFITS**

The Applicant is aggrieved by the inaction of the Respondent
No 2 not releasing regular pension and pensionary benefits and

departmental enquiry still pending after a period of more than 3 years.



4) JURISDICTION OF THE TRIBUNAL:

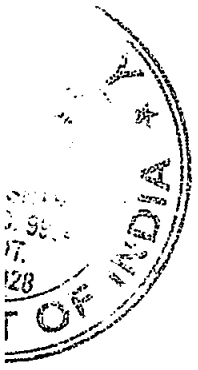
The Applicant declares that the subject matter of the order against which he wants the redressal is within the jurisdiction of the Tribunal.

5) LIMITATION :

The applicant declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6) FACTS OF THE CASE :

6.1. The Applicant was a State Government employee and retired as District Mining Officer, Collectorate Mumbai Suburban from the Revenue Department. The date of birth of the Applicant is 15/07/1966. The Applicant belongs to the SC category.

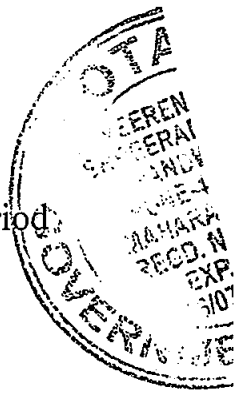


6.2. The Applicant joined the Government service on 29/12/1990 under the Directorate of Geology & Mining, Nagpur. The Applicant retired on superannuation on 31/07/2024 from the post of District Mining Officer, Collectorate Mumbai Suburban.

6.3. The Applicant submits that, the Respondent No.1 informed to the applicant by letter cum Chargesheet dated 14/01/2022 that the proposal for initiating Departmental Enquiry against the applicant under the Rule 10 of the Maharashtra Civil Service (Discipline & Appeal) Rules 1979 is submitted to the Government and also the charges levelled against the applicant are mentioned in the letter.

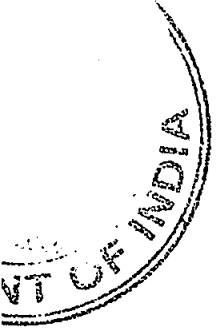
Copy of the letter dated 14/01/2022 by the Respondent No.1 informing the applicant that the DE against the applicant is proposed is annexed and marked as **Annexure-A1**.

6.4. The Applicant submits that the letter specifying the charges against the applicant states that the applicant has defaulted while



working as District Mining Officer, Ahmednagar between the period 05/03/2015 to 31/05/2019. The charges are as mentioned below:

a) Shri Arjun Navale was granted mining license on 15/01/2018 for the property situated at Ranjangaon (Devi), Tal. Nevasa Gat No 272/3, 272/4. Under the Condition 3 of the said mining license the license holder should clearly demarcate the property area and install boundary pillars on the said area so that it is clear how much mining has been done in the said area. The license holder has not followed the stipulated condition. Also the mining should be done according to the conditions stipulated under Rule 20, 23 & 24 of the Maharashtra Minor Mining Extraction (Development & Regulation) Rule 2013. But the conditions have not been followed. The District Mining Officer, Ahmednagar Shri Sanjay Bamne has not carried out any inquiry & investigation into the said issue and has not followed the procedure under the Maharashtra Minor Mining Extraction (Development & Regulation) Rule 2013.



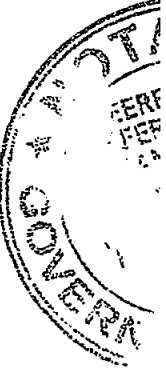
b) Shri Sanjay Bamane, District Mining Officer, Ahmednagar has neglected the wrongful activities of Shri Arjun Navale since he got the mining license on 15/01/2018 like not acquiring the Vehicle License Book from the responsible officer mentioned under Rule 78 of the Maharashtra Minor Mining Extraction (Development & Regulation) Rule 2013 and not submitting the quarterly and yearly specification sheet as mentioned under Rule 46 of the Maharashtra Minor Mining Extraction (Development & Regulation) Rule 2013. Thus it is clear that Shri Sanjay Bamane has not fulfilled his duty.

c) Shri Sanjay Bamane, District Mining Officer, Ahmednagar has not conducted any inquiry into the issue relating to the restarting of the sealed crusher belonging to Smt Pushpa Navale owning Gat No 272/1 and sealed by the Tehsildar Nevasa & Sub-Divisional Officer, Nevasa on 29/12/2017.

d) Shri Sanjay Bamane, District Mining Officer, Ahmednagar has purposely neglected to interfere in the matter pertaining to the land having a mining lease at Ranjangaon (Devi), Tal. Nevasa Gat No

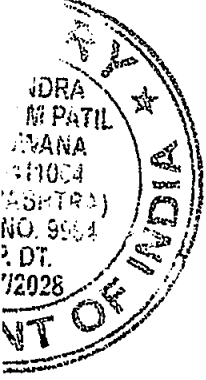
272/3 & 272/4. On 16/01/2019 the Measurement Team from Aurangabad conducted an ETS Measurement wherein it was found out that 29477 brass of mining has been done of the said land mentioned above when only 20000 brass for 5 years from 15/01/2018 i.e 4000 brass per year rock mining is permitted on the said land & mining lease. Despite this the District Mining Office did not conduct any enquiry into the matter and the lessee Shri Arjun Navale has not been questioned as to why excess mining has been done or his license has also not been cancelled as of yet. Instead the lessee has been mining on the same land by paying a royalty challan. Shri Sanjay Bamane has given a free hand to the lessee without cancelling his license and thus he has defaulted on his duty and thus the Departmental Enquiry has been initiated against the applicant under Rule 3 (1) (One) & Rule 3(1) (Two) of the Maharashtra Civil Service (Conduct) Rules 1979.

Copy of the letter dated 14/01/2022 is already annexed and marked as Annexure A1.

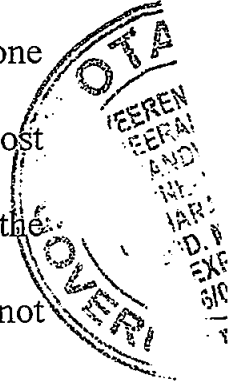


6.5. The Applicant submitted a detailed reply to the letter cum Chargesheet dated 14/01/2022 to the Revenue Department, District Collector Office, Ahmednagar by letter dated 27/01/2022 through the Mining Department, District Collector Office, Pune wherein it is mentioned that:

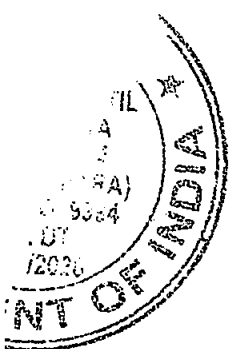
a) The land at Ranjangaon (Devi), Tal. Nevasa, Gat No 272/3 & 272/4 belonging to Shri Arjun Bajirao Navale was sanctioned a mining lease on 15/01/2018 for 5 years. But before sanctioning the lease it was found out that some mining has been done on the said land and accordingly an ETS Machine Survey was conducted by the relevant Revenue department officers at Nevasa and it was found out that 8250 brass of rock mining has taken place. After considering the paid royalty and the amount of mining done, it was found out that 70 brass of excess mining has been done on the same land and thus Shri Arjun Navale was fined Rs 5,46,124/- for the excess mining. After Shri Arjun Navale paid the entire fine in full and adhering to the Maharashtra Minor Mining Extraction (Development &



Regulation) Rule 2013, a no due no objection certificate was given to Shri Arjun Navale and post that the mining lease license was given for 5 years. Upon giving the license the land measurement was done under the jurisdiction of Taluka Inspector, Land Records and post that the agreement was signed for the mining lease license. Thus the claim that no land measurement was done is not true and has not basis for enquiry.



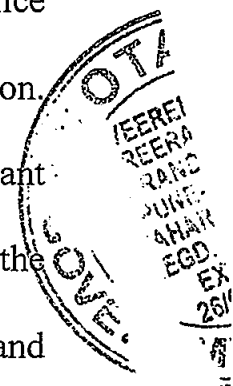
The claim that mining should be done according to the conditions stipulated under Rule 20, 23 & 24 of the Maharashtra Minor Mining Extraction (Development & Regulation) Rule 2013 is also false and has no basis for enquiry as the jurisdiction of whether mining is done or not rests solely on the Taluka level and whether regulated mining takes place in a leased mining land or not and matters pertaining to royalty are also the responsibility and jurisdiction of the Tehsildar or the Section Officer. The applicant states that he was transferred from Ahmednagar on 31/05/2019 and thus he cannot comment on the current situation pertaining to the matter.



b) The claim that Applicant neglected the wrongful activities of Shri Arjun Navale since he got the mining license on 15/01/2018 like not acquiring the Vehicle License Book from the responsible officer mentioned under Rule 78 of the Maharashtra Minor Mining Extraction (Development & Regulation) Rule 2013 and not submitting the quarterly and yearly specification sheet as mentioned under Rule 46 of the Maharashtra Minor Mining Extraction (Development & Regulation) Rule 2013 is also false. It seems that Shri Arjun Navale had not acquired the Vehicle License Book and till I was posted at Ahmednagar it cannot be said that Shri Arjun Navale has submitted the quarterly and yearly specification sheet. But since my posting was new it cannot be said that I have purposely neglected the said defaults.

c) The claim that applicant did not conduct any inquiry into the issue relating to the restarting of the sealed crusher belonging to Smt Pushpa Navale owning Gat No 272/1 and sealed by the Tehsildar Nevasa & Sub-Divisional Officer, Nevasa on 29/12/2017 is false

and has no basis. Upon the ETS Survey by the Deputy Director, Aurangabad, a report was sent by the Collector Office to the office of Tehsildar Nevasa for conducting an enquiry and taking action. But the report from Tehsildar Nevasa was not received till Applicant got retired on 31/05/2019. But subsequent to that and upon the complaint by Shri Swapnil Garad a detailed enquiry was done and conducted and action was taken according to the relevant rules.

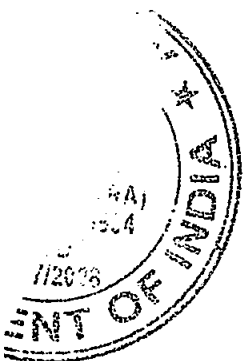


d) The claim that Applicant purposely neglected to interfere in the matter pertaining to the land having a mining lease at Ranjangaon (Devi), Tal. Nevasa Gat No 272/3 & 272/4 And on 16/01/2019 the Measurement Team from Aurangabad conducted an ETS Measurement wherein it was found out that 29477 brass of mining has been done of the said land mentioned above when only 20000 brass for 5 years from 15/01/2018 i.e 4000 brass per year rock mining is permitted on the said land & mining lease is false as upon the ETS Machine survey conducted by the Deputy Director, Aurangabad it was clear that excess mining has been done and said

measurement report was sent to the office of Collector Office for taking action into the same. But Applicant was transferred before that and thus the claim of neglecting duty is false and baseless.

Copy of the reply to the Revenue Department, District Collector Office, Ahmednagar by letter dated 27/01/2022 through the Mining Department, District Collector Office, Pune is annexed and marked as **Annexure A2**.

6.6. The Applicant submits that he submitted a representation to the Respondent No 2 stating that he has retired on superannuation on 31/07/2024 as District Mining Officer, Collectorate, Mumbai Suburban and that since his first posting on 29/12/1990 under the Directorate of Geology & Mining, Nagpur he has worked diligently and sincerely as District Mining Officer in multiple districts like Satara, Ahmednagar, Pune, Thane, & Mumbai Suburban. The applicant also states that he has been subjected to a Departmental Enquiry without the consent of the Divisional Office where he is posted. The applicant also states that the Deputy Director, Regional




Office, Aurangabad has stated that the applicant is not responsible in any way in the matter relating to Ahmednagar and despite the same he has not been given the No Due No Enquiry Certificate by the Collector Office, Ahmednagar and thus he has not received his pensionary benefits thus far. Thus the applicant is requesting the Respondent No 2 to give him a No Objection Certificate to obtain a No Due Certificate to get his pensionary benefits.



Copy of the letter dated 22/08/2024 is collectively annexed and marked as **Annexure A3**.

6.7. The Applicant submits that till today the departmental enquiry is pending and no further action is taken on this departmental enquiry. There is an inordinate delay of more than 3 years in completing the departmental enquiry.

6.8. The Applicant craves the leave of this Hon'ble Tribunal to refer to the Circular dated 07/04/2008 wherein it is reiterated that the departmental enquiry should be completed expeditiously, particularly within 3 months from the date of the decision of



initiating the departmental enquiry. Clause 3.19 of the Departmental Enquiry Manual, also states that the Departmental enquiries need to be completed as expeditious as possible and in any case, they should be completed within six months from the date of issuance of the charge sheet. Copy of Circular dated **07/04/2008** is annexed and marked as **Annexure A4**.

6.9. The Applicant submits that the Hon. Supreme Court passed judgement in Prem Nath Bali vs Registrar, High Court of Delhi and Another, (2015) 16 SCC 415 in which the Hon. Supreme Court has explicitly stated that it is the duty of the employer to ensure that the departmental enquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures and the Respondents were directed to pay gratuity and other pensionary benefits to the applicant with interest as per rules.

Copy of the judgement passed by the Hon. Supreme Court in Prem Nath Bali vs Registrar, High Court of Delhi and Another,

(2015) 16 SCC 415 dated 16/12/2015 is annexed and is marked as

Annexure A5.


6.10. The Applicant is aggrieved by the inordinate delay in completing the Departmental enquiry and is seeking release of all pensionary benefits and is approaching this Hon'ble Tribunal on the following grounds which are taken without prejudice to one another



—

6.10.1. The inordinate delay in concluding the departmental enquiry is a violation of Article 21, the Fundamental Right to live which includes the right to live with dignity. Thus continuing with enquiry relating to stale incidents is illegal and bad in law.

6.10.2. There is no justification of whatsoever nature for the inordinate delay in firstly initiating and secondly in completing the departmental enquiry. On this ground alone the departmental enquiry is liable to be quashed and set aside.



6.10.3. There is inordinate delay and latches in completing the Departmental Enquiry. There is a delay of 3 years in initiating the Departmental Enquiry and the enquiry is kept pending for more than 3 years without any justifications or explanations for the delay in conducting the enquiry. The departmental enquiry was initiated against the Applicant by the charge sheet dated 14/01/2022. Even after 3 years from the date of the initiation, the enquiry is not completed. The Respondents are to be held accountable for the inordinate delay and there is no justification for this inordinate delay and the enquiry is liable to be quashed and set aside on this ground alone.

6.10.4. Allowing the Respondents to proceed with the departmental proceedings at this distance of time will be very prejudicial to the Applicant. The Applicant has already suffered enough and more on account of the pendency of the disciplinary proceedings. The mental agony and sufferings of the Applicant due to the pendency of the disciplinary proceedings outweigh the

disciplinary proceeding itself. The Applicant is made to suffer as the Applicant is deprived of his pensionary benefits.

6.10.5. Serious prejudice is caused to the Applicant due to inordinate delay in initiating and completing the Departmental Enquiry.

6.10.6. The Departmental enquiry violates Clause 3.19 of the Departmental Enquiry Manual, which states that the D.E need to be completed as expeditious as possible and in any case, it should be completed within six months from the date of issuance of the charge sheet. Respondents cannot be permitted to violate their policies regarding completing the departmental enquiry expeditiously. Hence prolonged department enquiry is illegal and bad by law.

6.10.7. The enquiry was initiated against the Applicant on 14/01/2022 i.e. when the charge sheet was served on the Applicant. Furthermore, the Departmental Enquiry going on till today. There is an inordinate delay in the conclusion of the departmental enquiry, which violates Circular dated 07/04/2008. By Circular dated



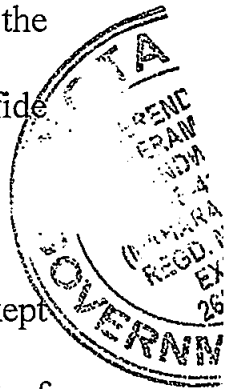
07.04.2008, it has been directed that D.E. should be completed within six months from the date of deciding to initiate the D.E. and were for some justifiable reason if D.E. could not be completed within six months, in that event, three months' extension can be given by Head of Department. Where D.E. is not completed within nine months, then an extension is required to be sought for up to one year from the Government. The Circular and instructions given by the Government have been completely ignored rather defied with impunity in the Applicant's case. There is nothing on record to indicate that any such extension for completion of D.E. has been sought from the Government in terms of Circular dated 07/04/2008. The Applicant is subjected to prolong continuation of departmental enquiry which unerringly exhibits total inaction and lethargy on the part of Respondents. Hence the pending departmental enquiry violates Circular dated 07/04/2008 and is liable to be quashed and set aside on this ground alone.



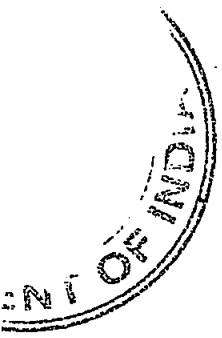
6.10.8. The Applicant is made to suffer punishments in various forms such as delay in getting pensionary benefits viz. withholding of Gratuity, commutation of pension, regular pension Hence the departmental enquiry is perverse and initiated with a malafide intention to harass the Applicant.

6.10.9. The said departmental enquiry is initiated and kept pending only to harass the Applicant and deprive the Applicant of the pensionary benefits.

6.10.10. The employer must ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. It is also observed by the Hon'ble Supreme Court in Prem Nath Bali vs Registrar, High Court of Delhi and Another, (2015) 16 SCC 415 that every employer must make a sincere endeavour to conclude the departmental inquiry proceedings once initiated by giving priority to such proceedings and as far as possible should be concluded within six months as an outer limit. Where the employer can't conclude due to certain



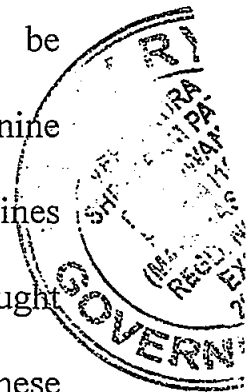
unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within a reasonably extended period depending upon the cause and the nature of inquiry but not more than a year. Herein there is a delay of 2 years.



6.10.11. The inordinate delay of over 2 years in completing the departmental enquiry is a direct violation of the applicant's fundamental right under Article 21 of the Constitution. The right to live includes the right to live with dignity, and the pendency of such an enquiry for such an extended period has subjected the applicant to undue hardship, mental agony, and public humiliation. Continuing the enquiry without resolution further erodes the applicant's dignity.

6.10.12. The respondents have not provided any substantial justification for this delay, making the enquiry liable to be quashed on this ground alone. The absence of any legitimate reasons for such delays violates principles of fairness and justice.

6.10.13. Clause 3.19 of the Departmental Enquiry Manual mandates the completion of enquiries within six months from the date of issuance of the charge sheet. Further, the Circular dated 07/04/2008 reiterates that departmental enquiries should be concluded within six months, with possible extensions of up to nine months. However, in the applicant's case, these mandatory timelines have been completely disregarded. No extension has been sought from the government, and the prolonged delay directly violates these prescribed procedural norms, rendering the enquiry unlawful.



6.10.14. The prolonged delay and withholding of the applicant's pensionary benefits, including gratuity and selection grade pay, demonstrate a clear malafide intention to harass the applicant. The enquiry appears to be a tool for depriving the applicant of his legitimate financial entitlements, rather than serving any genuine disciplinary purpose.

6.10.15. The applicant has only been granted provisional pension since his retirement, while gratuity, commutation of

pension, and other pensionary benefits have been unjustly withheld. The withholding of these benefits for over 6 months, without resolution of the enquiry, is unlawful and has caused undue financial hardship to the applicant. This continued deprivation violates the applicant's right to livelihood and financial security post-retirement.

Grave injustice and loss is caused to the Applicant.

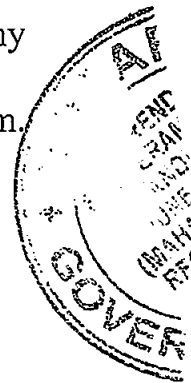
Hence this application.

7) DETAILS OF THE REMEDIES EXHAUSTED:

The Applicant says that there is no statutory remedy available to the Applicant, under the Service Rules. Therefore, except this application there is no other alternative and efficacious remedy available to the Applicant herein.

**8) MATTERS NOT PREVIOUSLY FILED OR PENDING
WITH ANY OTHER COURT :**

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.



9) RELIEF(S) SOUGHT :

In view of the facts mentioned in paragraph (6) above
Applicant pray for the following relief(s) :

- a) That this Hon'ble Tribunal be pleased to quash the Departmental Enquiry and Chargesheet dated 14/01/2022 and grant all the consequential service benefits such as gratuity and other pensionary benefits with interest from the date of retirement till actual payment to the Applicant within a period of three months.
- b) That the cost of the application be awarded in favour of the Applicant.

- c) That such orders as justice and convenience may demand from time to time be passed in favour of the Applicant.


10) INTERIM RELIEF:

- a) That this Hon'ble Tribunal be pleased to stay the departmental enquiry till the final decision of this O.A. and release the pensionary benefits.
- b) That pending the admission of this matter the Hon'ble Tribunal be pleased to issue ad-interim order in terms of prayer 10(a).

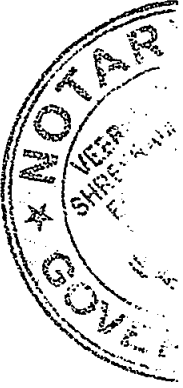
11) PARTICULARS OF THE POSTAL ORDER:

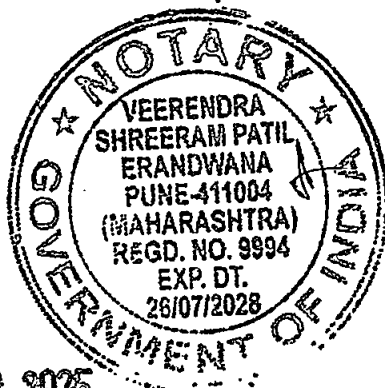
- 1) Number of the Postal Order :
2) Amount of the Postal Order : Rs. 50/-
3) Name of the Post Office : Pune
4) Date of the Postal Order :

12) LIST OF ENCLOSURES : AS PER
INDEX ABOVE.


(ADVOCATE FOR THE APPLICANT)
(PUNAM MAHAJAN)

PUNE :
DATED : 11/02/2025





11 FEB 2025

VERIFICATION

I, Shri. Sanjay Mahadeo Bamane, Age – 58 Years, Retired as District Mining Officer, Office of the Collector, Mumbai Suburban, Residing at- “Swapnashilpa” Bungalow, Yashashree Colony, Karvenagar, Pune 411052. Applicant as stated in the title of the Original application, do hereby verify that the contents of paragraph nos. 1 to 6, of the original application are true to my personal knowledge and that the contents of paragraph nos. 7, 10, 11, 12 being grounds and prayers are believed to be true on legal advice and that I have not suppressed any material facts.

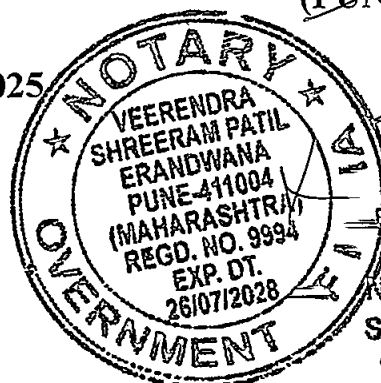
Sanjay Mahadeo Bamane
[S.M. Bamane]

SIGNATURE OF THE APPLICANT

Punam Mahajan

(ADVOCATE FOR THE APPLICANT)
(PUNAM MAHAJAN)

PUNE :
DATE : 11/02/2025

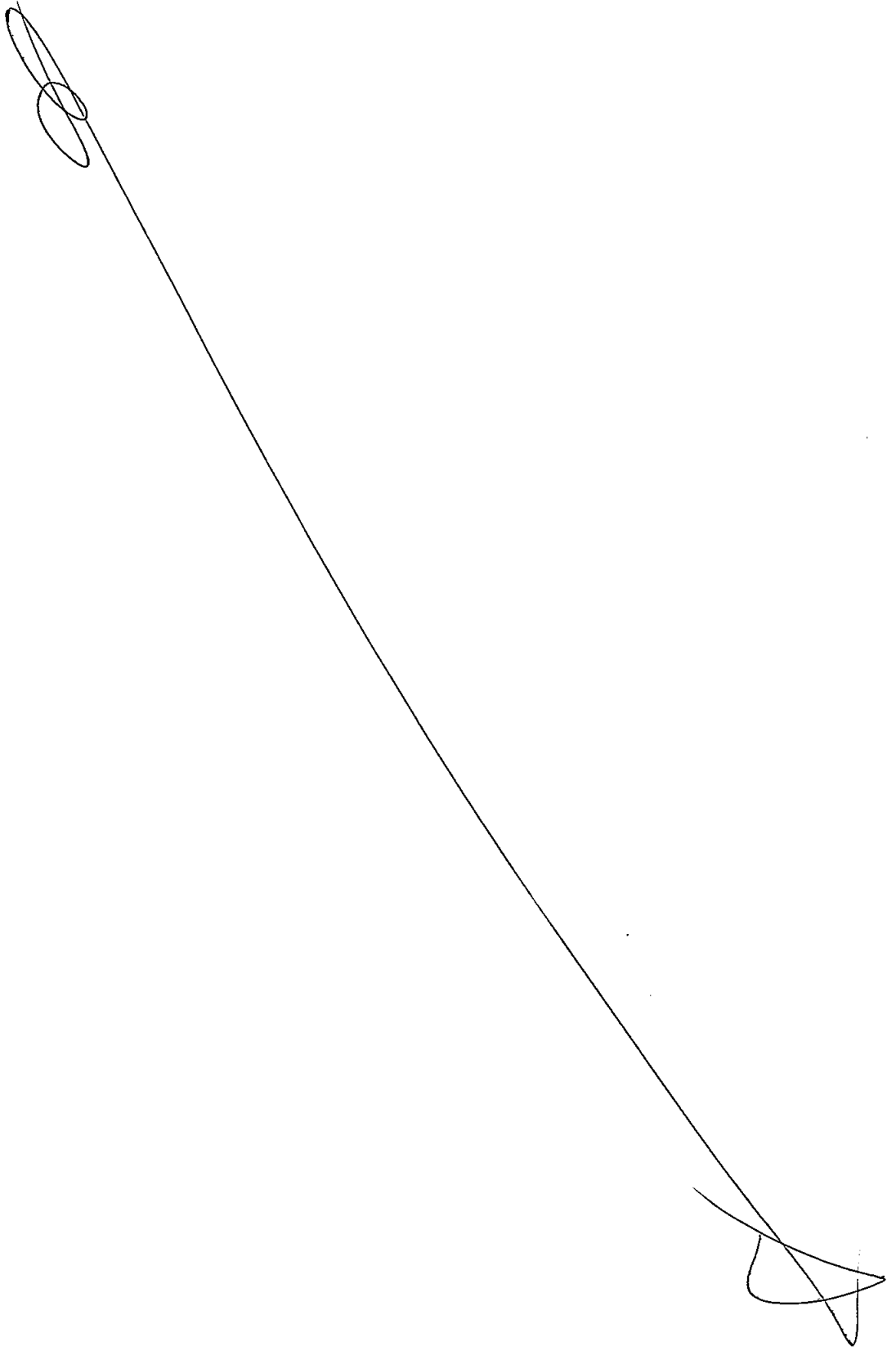


BEFORE

[Signature]
VEERENDRA S. PATIL
NOTARY (GOVT. OF INDIA)
ERANDWANA, PUNE (MAHARASHTRA)
REGN. No. 9994

NOTED AND REGISTERED AT
SERIAL NUMBER 144/2025
11 FEB

11/11
2025



महाराष्ट्र शासन

क्र.विभा.चा-२६२१/प्र.क्र.२५०/ड-८अ
महसूल व वन विभाग, पहिल्या मजल्या
हुतात्मा राजगुरु चौक, मादाम कामा मार्ग,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक :- १४.०१.२०२२

ज्ञापन:-

श्री. संजय बामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर यांना याद्वारे असे कळविण्यात येते की, त्यांच्याविरुद्ध महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम, १९७९ च्या नियम १० अन्वये कारवाई करण्याचे ठरविण्यात आले आहे. ज्याबाबतीत प्रस्तावित कारवाई करण्याचे योजिले आहे, त्या गैरशिस्तीच्या किंवा गैरवर्तणुकीच्या दोषारोपांचे विवरणपत्र सोबत जोडले आहे.

२. श्री. संजय बामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर यांना या प्रस्तावाविरुद्ध जे कोणतेही अभिवेदन करावयाची इच्छा असेल ते करण्याची संधी त्यांना याद्वारे देण्यात येत आहे.

३. श्री. संजय बामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर यांनी हे ज्ञापन मिळाल्यापासून १० दिवसांच्या आत त्यांचे अभिवेदन सादर करण्यास कसूर केली तर, त्यांना कोणतेही अभिवेदन करण्याची इच्छा नाही, असे गृहीत धरण्यात येईल आणि श्री. संजय बामणे यांच्याविरुद्ध एकतर्फी आदेश काढण्यात येतील.

४. श्री. संजय बामणे यांनी हे ज्ञापन मिळाल्याची पोच घ्यावी.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,

(२५५)

(अ.ज.शेट्टी)

शासनाचे अवर सचिव

प्रति,

श्री. संजय बामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर

(विभागीय आयुक्त, नाशिक विभाग, नाशिक यांच्यामार्फत) -

प्रतिलिपी (द्विप्रतीत)

विभागीय आयुक्त, नाशिक विभाग, नाशिक यांना विनंती की, सदर ज्ञापन श्री. संजय बामणे यांच्यावर बजावून त्यांची दिनांकित पोचपावती घ्यावी व ती शासनास सादर करावी.

प्रत:-

१) जिल्हाधिकारी अहमदनगर.

२) निवडनस्ती कार्यासन ई-४अ.

श्री. संजय वामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर यांच्याविरुद्ध तयार करण्यात आलेल्या दोषारोपातील बाबींच्या पुष्ट्यर्थ असलेल्या गैरशिस्तची किंवा गैरवर्तणूकीच्या आरोपांचे विवरणपत्र.

श्री.अहमदनगर, जिल्हा खनिकर्म अधिकारी, तत्का, संजय वामणे, या पदावर दि.०५.०३.२०१९ ते दि.३१.०५.२०१९ पासून काम करीत असतांना त्यांनी खालील अनियमितता केल्या आहेत.

बाब क्र.१:- दिनांक १५/१/२०१८ रोजी मौजे राजणगाव (देवी), ता.नेवसा येथील गट क्र.२७२/३, २७२/४ चे खाणपट्टाधारक श्री.अर्जुन नवले यांना खाणपट्टा मंजूर केलेला आहे. सदर खाणपट्टाधारक अट क्र.३ नुसार त्यांनी उत्खनन सुरू करण्यापूर्वी जमीनीची मोजणी करून सिमांकन व रतंभ उभे करून उत्खनन करणे आवश्यक होते. जेणे करून सदर जागेवर यापूर्वी व यानंतर किती उत्खनन केले याचा हिशोब लावता आला असता, परंतु त्यांनी जाणीवपूर्वक मोजणी केलेली दिसत नाही. तसेच Maharashtra Minor Mineral Extraction (Development & Regulation) Rule २०१३ मधील नियम २०, २३ व २४ मधील तरतुदीनुसार खाणकाम आराखड्यानुसार उत्खनन करणे बंधनकारक आहे; परंतु या कार्यपध्दतीला सुध्दा बगल दिलेली दिसते. ही चुकीची कार्यवाही होत असतांना श्री. संजय वामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर यांनी कोणत्याही प्रकारची कार्यवाही केलेली दिसून येत नाही. यावरून त्यांनी त्यांच्या शासकीय कामकाजात अक्षम्य दुर्लक्ष केले आहे. सदर प्रकरणात Maharashtra Minor Mineral Extraction (Development & Regulation) Rule २०१३ मधील तरतुदीनुसार कार्यवाही करण्यात आलेली नाही.

बाब क्र.२:- खाणपट्टाधारक श्री.अर्जुन नवले यांना दि.१५/०१/२०१८ रोजी खाणपट्टा मंजूर झालेवर त्यांनी Maharashtra Minor Mineral Extraction (Development & Regulation) Rule २०१३ मधील नियम ७८ नुसार वाहतुक परवाना पुस्तक सक्षम अधिकारी यांचेकडून प्राप्त करून घेतले नाही. तसेच Maharashtra Minor Mineral Extraction (Development & Regulation) Rule २०१३ मधील नियम ४६ नुसार त्रैमासिक विवरणपत्र व दरवर्षी सादर करावयाचे विवरणपत्र-६ खनिकर्म अधिकारी यांचेकडे सादर केलेले नाही. यावरून खाणपट्टाधारक यांनी Maharashtra Minor Mineral Extraction (Development & Regulation) Rule २०१३ मधील तरतुदीचे उल्लंघन केलेले आहे. खाणपट्टाधारक यांच्या या बेजबाबदारपणाचे कृत्यासाठी श्री. संजय वामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर यांनी कोणतीही देखरेख ठेवलेली दिसत नाही. यावरून खाणपट्टाधारक यांच्या गैरकृत्याकडे जाणीवपूर्वक दुर्लक्ष केलेले आहे.

3/14/19

बाब क्र.३ :- दिनांक २५/१२/२०१७ रोजी तत्कालीन तहसिलदार नेवासा व उपविभागीय अधिकारी, नेवासा यांनी श्राम.पुणा नवले यांचे मानकाने गट नं. २७२/२ मधील क्रणर माल केले होते. यानंतर सदर जमीन मानकाने तहसिलदार यांचे कुठल्याही प्रकारचे आदेश न घेता सदरचे क्रणर सुरू केले. याबाबत जिल्हा खनिकर्म अधिकारी या नात्याने श्री. संजय वामणे यांनी नियमानुसार कागदाई केलेली नाही.

बाब क्र.४:- औरंगाबाद येथील मोजणी पथकाने मोजे राजणगाव (देवी), ता.नेवासा येथील खाणपट्टा असलेले गट क्र.२७२/३ व २७२/४ ची दि.१६/०१/२०१९ रोजी इटीएस मोजणी करून मोजणीअंते २९४७७ ब्रास उत्खनन झालेले असलेचे निदर्शनास आणून दिले. यावरून खाणपट्टाधारक यांना दिनांक १५/०१/२०१८ पासून ५ वर्षांचा खाणपट्टा मंजूर असून त्यांनी प्रतीवर्षी ४००० ब्रास प्रमाणे ५ वर्षांत २०००० ब्रास दगड उत्खनन करणे अपेक्षित असतांना प्रमाणापेक्षा जास्त उत्खनन केलेचे निदर्शनास आले असतांना देखील जिल्ह्यातील गौण खनिज शाखेकडून कोणतीही तपसाणी न करता श्री.अर्जुन नवले यांना खाणपट्टा रद्द करणेबाबत नोटीस देणेत आलेली नाही किंवा मंजूर प्रमाणापेक्षा जास्त उत्खनन केले म्हणून दंडात्मक कार्यवाही केलेली नाही. यामुळे खाणपट्टाधारक सदर जागेत उत्खनन करून रॉयल्टी चलन भरून उत्खनन करत असलेचे कार्यालयातील उपलब्ध कार्यालयीन चलनावरून निदर्शनास आले आहे. यावरून श्री. संजय वामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर यांनी खाणपट्टाधारक यांचेवर नियमानुसार तातडीने कार्यवाही करून त्यांचा खाणपट्टा रद्द करणे अपेक्षित आहे. परंतु अशा स्वरूपाची कार्यवाही न करता, उत्खनन करणेची मुभा खाणपट्टाधारक श्री.अर्जुन नवले यांना दिलेली दिसते यावरून श्री. संजय वामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर यांनी या कामामध्ये जाणीवपूर्वक दुर्लक्ष केलेले दिसते.

अशाप्रकारे श्री. संजय वामणे, तत्का. जिल्हा खनिकर्म अधिकारी, अहमदनगर यांनी जबाबदारीच्या पदावर कार्यरत असताना शासकीय कामात वरीलप्रमाणे अनियमितता करून नितांत सचोटी व कर्तव्यपरायणता राखली नाही व कर्तव्यात कसूर करून महाराष्ट्र नागरी सेवा (वर्तणूक) नियम, १९७९ नियम ३ (१) (एक) व नियम ३ (१) (दोन) चे उल्लंघन केले आहे.

(१५५५)



सत्यमेव जयते
महाराष्ट्र शासन

जिल्हाधिकारी कार्यालय, पुणे
(खनिकर्म शाखा)

त्व विंग, चौथा मजला, पुणे ४११ ००१.

दूरध्वनी क्रमांक - ०२०-२६१२४१३७

Email : miningpune123@gmail.com

गोपनीय - आस्था/कार्या-१४/२०२२

क्रमांक/खनिकर्म/कावि/३०४/२०२२
पुणे दिनांक २७/०९/२०२२

प्रति,

मा.जिल्हाधिकारी,
जिल्हाधिकारी कार्यालय, अहमदनगर,
(महसूल शाखा)

विषय:- संयुक्त विभागीय चौकशी.

श्री.संजय बामणे, तत्कालीन जिल्हा खनिकर्म अधिकारी,
अहमदनगर सध्या जिल्हा खनिकर्म अधिकारी, पुणे.

- संदर्भ:- १) आपले कार्यालयाकडील पत्र क्र.मह/आस्था/कार्या-१४/२०२२
दि.२९/०९/२०२२
२) जिल्हाधिकारी कार्यालय, पुणे (महसूल शाखा) यांचेकडील पत्र
क्र.पमम/कावि/१४२/२०२२ दि.२४/०९/२०२२

महोदय,

उपरोक्त विषयाबाबत संदर्भ क्रमांक १ चे पत्र व त्यालगची सहपत्रे या कार्यालयास संदर्भ क्रमांक २
अन्वये प्राप्त झालेली आहेत.

त्यानुसार मा.अवर सचिव, महसूल व वन विभाग, मंत्रालय, मुंबई यांचेकडील क्रमांक विभाचौ
२६२९/प्र.क्र.२५०/ई-४ अ दिनांक १४/०९/२०२२ चा आदेश व जापन क्र.विभाचौ २६२९/प्र.क्र.२५०/ई-४अ
दि.१४/०९/२०२२ अन्वये निर्देश दिलेवरून संयुक्त विभागीय चौकशीच्या अनुषंगाने दोषारोपाचे विवरणपत्राच्या
अनुषंगाने मी माझा खुलासा मुद्दे क्रमांक १ ते ४ मध्ये सविस्तर सादर केलेला असून सदर मुद्देनिहाय खुलासा
आपले कार्यालया मार्फत शासनास सादर करणेकामी या सोबत सादर केलेला आहे ही विनंती.
सोबत:- पृष्ठ क्र.१ ते ०२ असे.

आपला विश्वासू,

संजय म. बामणे
(संजय म. बामणे)

जिल्हा खनिकर्म अधिकारी
जिल्हाधिकारी कार्यालय, पुणे

सूत:- मा.श्री.अ.ज.शेट्टे, शासनाचे अवर सचिव, महसूल व वन विभाग, पहिला मजला मंत्रालय, मुंबई-३२ यांना
माहितीसाठी व पुढील योग्य त्या कार्यवाहीसाठी सविनय सादर.

५३/२५३१
(३१५)
३१-१०-२२

महाराष्ट्र शासन, महसूल व वनविभाग, महाराष्ट्र राज्य मंत्रालय, मुंबई यांचेकडील
ज्ञापन क्र. विभाचौ-२६२१/प्र.क्र.२५०/ई-४अ, दि.१४/०१/२०२२ चे अनुषंगाने खुलासा

गैरशिरस्त किंवा गैरवर्तणुकीच्या दोषारोपांच्या विवरणपत्रात उपरिस्थित मुद्यांच्या
अनुषंगाने खालील प्रमाणे मुद्देनिहाय खुलासा सादर करीत आहे.

मुद्दा / बाब क्र.१

मौजे रांजणगाव देवी, तालुका नेवासा येथील गट क्र. २७२/३, २७२/४ मध्ये श्री.
अर्जुन बाजीराव नवले यांना या कार्यालयाकडील आदेश क्र. गौख/कार्या ४क//७०/२०१८,
दिनांक १५/०१/२०१८ अन्वये पाच वर्षांच्या मुदतीकरिता खाणपट्टा मंजूर करण्यात आलेला
होता, सदरचा खाणपट्टा मंजूर करणेपूर्वी सदर गटात उत्खनन झालेले असल्याचे निदर्शनास
आल्याने भुकरमापक नेवासा यांचेमार्फत सदर गटाची ईटीएस मशीनद्वारे मोजणी करण्यात
आलेली असून, भुकरमापक, नेवासा यांचेकडील दिनांक ०२/०/२०१८ रोजीचे अहवालानुसार
सदर गटात एकूण ८२५० ब्रास दगड या गौण खनिजाचे उत्खनन झाल्याचे स्पष्ट झालेले होते.
त्यानुसार झालेले उत्खनन व भरलेली रॉयल्टी याबाबतची पडताळणी करून ७० ब्रास
अतिरिक्त उत्खननाकरीता जमिन मालक श्री. अर्जुन नवले यांना र.रु.५,४६,१२४/- इतका दंड
करण्यात आलेला होता. सदरचा दंड शासन जमा केल्यानंतरच या कार्यालयाकडून महाराष्ट्र
गौण खनिज उत्खनन नियम २०१३ मधील नमूद कागदपत्रांची संबंधितांनी पूर्तता केल्याने (सर्व
ना हरकती व सविस्तर चौकशी करून अहवाल खाणकाम आराखडा, पर्यावरण ना-हरकत इ.)
सर्व आवश्यक नाहरकती व कागदपत्रांची पूर्तता केल्यामुळे श्री.नवले यांना दिर्घ मुदतीचा
खाणपट्टा मंजूर करण्यात आलेला होता.

त्या खाणपट्ट्याच्या क्षेत्राची मोजणी करून तालुका निरीक्षक भूमी अभिलेख यांना
दिलेल्या हद्दीच्या नकाशानुसार मंजूर खाणपट्ट्याचे निष्पादन (करारनामा) करण्यात आला त्या
क्षेत्री उत्खनन सुरु झाले त्यामुळे खाणपट्टा सुरु करणेपूर्वी जाणीवपूर्वक मोजणी केलेली नाही,
हा मुद्दा योग्य वाटत नाही.

तसेच मंजूर खाणपट्टा क्षेत्रातून Minor Mineral Extraction (Development &
Regulation) Rule २०१३ मधील तरतुदीनुसार व मंजूर खाणकाम आराखड्यानुसार उत्खनन
करणे खाणपट्टाधारक यांस बंधनकारक आहे. सदर तरतुदीनुसार मंजूर खाणपट्टा क्षेत्रातून
उत्खनन होते किंवा नाही याबाबत तालुकास्तरावरून / क्षेत्रीय स्तरावर पडताळणी करण्यात
येते, तथापि, सदर प्रकरणी सन २०१८ मध्ये खाणपट्टा मंजूर करण्यात आलेला असून
तक्रारदार श्री. स्वप्निल गरड यांनी सन २०१७ पासून सदर प्रकरणी तक्रारी केलेल्या असून
त्याबाबत संबंधितास तहसिलदार व उपविभागीय अधिकारी यांचेमार्फत चौकशीचे काम सुरु
होते. तसेच सन २०१९ मध्ये मा.उपसंचालक, भूविज्ञान व खनिकर्म संचालनालय, औरंगाबाद
यांनी केलेल्या ईटीएस मोजणी अहवालानुसार झालेले उत्खनन व प्रत्यक्ष भरलेली रॉयल्टी

smaimo
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याबाबतचा ताळमेळ घेऊन उचित कार्यवाही करणेबाबत इकडील पत्र दि.०६/०२/२०१९ अन्वये तहसिलदार नेवासा यांना कळविण्यात आलेले होते.

तदनंतर माझी बदली दिनांक ३१.०५.२०१९ पासून जिल्हाधिकारी कार्यालय, पुणे येथे झाली तरी त्या प्रकरणी घडलेल्या वस्तुस्थितीबाबत मला आज भाष्य करता येत नाही. तसेच मंजूर खाणपट्ट्यामध्ये नियमाप्रमाणे उत्खनन होते अगर कसे याबाबत संबंधित तहसिलदार व क्षेत्रीय अधिकारी यांचेच आहे. तसेच उत्खनन झालेल्या गौण खनिजाची रॉयल्टी वसूलीचीही कार्यवाही तहसिल स्तरावरून केली जाते त्यांना आवश्यक असलेले मागदर्शन हे जिल्हास्तरावरून केले जाते, त्यामुळे मी शासकीय कामकाजात कोणत्याही प्रकारचे दुर्लक्ष केलेले नाही.

मुद्दा / बाब क्र.२

खाणपट्टाधारक श्री. अर्जुन बाजीराव नवले यांना दिनांक १५/०१/२०१८ रोजी खाणपट्टा मंजूर झालेपासून वाहतुक पास परवाना पुस्तक जिल्हा कार्यालयाकडून घेतल्याचे दिसून येत नाही, तथापि, दिनांक ३१.०५.२०१९ रोजी माझी बदली झालेली होती, तो पर्यंत संबंधितांनी त्रैमासिक विवरणपत्र व वार्षिक विवरणपत्र सादर केल्याचे सध्या सांगता येत नाही त्यामुळे मी जिल्हा खनिकर्म अधिकारी, अहमदनगर या पदावर कार्यरत असताना त्यावेळी माझा कार्यकाल अल्प अवधीचा असल्याने मी कोणत्याही प्रकारचे दुर्लक्ष व टाळाटाळ केलेली नाही.

मुद्दा / बाब क्र.३

मौजे रांजणगांव देवी, तालुका नेवासा येथील गट नं. २७२/३, २७२/४ मधील श्री. अर्जुन बाजीराव नवले यांच्या खाणपट्ट्यांची ईटीएस मशीनद्वारे मोजणी मा.उपसंचालक, औरंगाबाद येथील पथकाने ईटीएस मोजणी केली असता, सदरचा अहवाल जिल्हाधिकारी कार्यालयाकडून तहसिलदार नेवासा यांना पडताळणी करून उचित कार्यवाही करणेसाठी पाठविण्यात आलेला होता. त्यानंतर तहसिलदार नेवासा यांचेकडील अहवाल अप्राप्त असल्याने सदर प्रकरणी कार्यवाही करता आली नाही तदनंतर दिनांक ३१.०५.२०१९ ला बदली झाल्याने सदर प्रकरणी श्री. स्वप्निल गरड यांनी मा.लोक आयुक्त यांचेकडे तक्रार दाखल केल्याचे निदर्शनास आले असता या प्रकरणी सखोल चौकशी करण्यात आली व त्यानुसार नियमानुसार कार्यवाही करण्यात आलेली आहे.

मुद्दा / बाब क्र.४

मौजे रांजणगांव देवी, तालुका नेवासा येथील मंजूर खाणपट्टा गट नं. २७२/३ व २७२/४ मध्ये झालेल्या उत्खननाची मोजमापे ईटीएस मशीनद्वारे मा.उपसंचालक औरंगाबाद यांनी घेतली असता त्यामध्ये एकूण २९,४७७ ब्रास उत्खनन झाल्याचे निदर्शनास आलेले होते. त्यानुसार सदरची मोजणी शिट जिल्हाधिकारी कार्यालयास प्राप्त झाले नंतर नियमानुसार कारवाई करण्यात येत होती, मात्र मला दिनांक ३१.०५.२०१९ रोजी माझी बदली जिल्हाधिकारी कार्यालय, पुणे येथे झाल्याने मी कार्यमुक्त झालो होतो, त्यामुळे मी जाणीवपूर्वक शासकीय कामामध्ये दुर्लक्ष व हयगय केलेली नाही.

27.1.22
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वरील प्रमाणे गैरशिस्त व गैरवर्तणुकीच्या आरोपामध्ये उपस्थित केलेल्या बाबी
 वर. १, २, ३ व ४ मध्ये माझेकडून शासकीय कामात कोणत्याही प्रकारे हलगर्जीपणा, दुर्लक्ष
 अथवा गैरवर्तन / टाळाटाळ झालेले नाही, मी जिल्हा खनिकर्म अधिकारी, अहमदनगर या
 य. व. मा. मे २०१९ पर्यंत कार्यरत होतो, त्या कार्यकाल कालावधीमध्ये मी इमानी इतबारीने
 ते. माझे शासकीय काम केलेले होते त्यामध्ये कोणत्याही प्रकारे हेतुपुरस्कृत हलगर्जीपणा अथवा
 दुर्लक्ष करण्यात आलेले नाही.

तरी कृपया माझा खुलासा मान्य करुन माझे विरुद्ध कोणत्याही प्रकारे
 प्रशासकीय कार्यवाही करण्यात येवू नये, अशी विनंती आहे.

आपला विश्वासु,

smam 27.1.22

(संजय म. बामणे)

तत्कालीन जिल्हा खनिकर्म अधिकारी, अहमदनगर
 सध्या जिल्हाधिकारी कार्यालय, पुणे

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विनंती अर्ज

श्री. संजय म. बामणे
सेवानिवृत्त जिल्हा खनिकर्म अधिकारी
मुंबई उपनगर जिल्हा
दि. २२/०८/२०२४

प्रति,

मा. अपर मुख्य सचिव (खनिकर्म)
उद्योग, ऊर्जा, कामगार व खनिकर्म विभाग,
मंत्रालय, मुंबई-३२.

विषय :- सेवानिवृत्ती प्रकरण- नादेय प्रमाणपत्र मिळणेबाबत.

अर्जदार :- श्री. संजय महादेव बामणे, जिल्हा खनिकर्म अधिकारी तथा वरिष्ठ भूवैज्ञानिक,
मुंबई उपनगर जिल्हा (गट-अ), (सेवानिवृत्त दि. ३१.०७.२०२४)

महोदय,

उपरोक्त विषयास अनुसरून नम्र पूर्वक विनंती करतो की, मी, श्री. संजय म. बामणे, सेवानिवृत्त जिल्हा खनिकर्म अधिकारी, जिल्हाधिकारी कार्यालय, मुंबई उपनगर जिल्हा येथून दिनांक ३१/०७/२०२४ रोजी (म.नं.) नियत वयोमानानुसार सेवानिवृत्त झालो आहे.

मी, भूविज्ञान व खनिकर्म संचालनालय, नागपूर यांच्या आस्थापनेवर दि. २९/१२/१९९० रोजी शासकीय सेवेत रुजू झालो होतो. संचालनालयाच्या आस्थापनेवर मी विविध पदांवर आणि विविध जिल्ह्यांत जिल्हा खनिकर्म अधिकारी तथा वरिष्ठ भूवैज्ञानिक (गट-अ) म्हणून काम केले आहे. जिल्हा खनिकर्म अधिकारी या पदावर कार्य करीत असताना मी नेहमीच जिल्हाधिकारी महोदयांनी दिलेल्या निर्देशांचे पालन केले आहे. मी, दि. ३१.०७.२०२४ पर्यंत नियत वयोमानानुसार शासकीय सेवेतून सेवानिवृत्त होईपर्यंत अनेक जिल्ह्यांमध्ये काम केले आहे. यामध्ये पुणे, सातारा, ठाणे, कोल्हापूर, अहमदनगर, मुंबई उपनगर इत्यादी जिल्ह्यांचा समावेश होतो. या सर्व ठिकाणी मी जिल्हा खनिकर्म अधिकारी या पदास योग्य न्याय दिलेला आहे.

तथापि, जिल्हा खनिकर्म अधिकारी, अहमदनगर येथे दि. ०९/०३/२०१५ ते ३१/०५/२०१९ या कालावधीत कार्यरत असताना माझ्यासह अन्य अधिकाऱ्यांविरुद्ध महसुल व वन विभागाने माझे नियुक्ती प्राधिकारी असेलेल्या विभागाच्या मान्यतेशिवाय विभागीय चौकशी प्रस्तावीत केली आहे.

वास्तविक पाहता अहमदनगर येथील प्रकरणांशी माझा कोणताही दोष नसल्याबाबत उपसंचालक, प्रादेशिक कार्यालय, औरंगाबाद यांनी शासनास सादर केलेल्या अहवालात नमूद आहे. असे असतानाही विनाकारण माझ्याविरुद्ध विभागीय चौकशी प्रस्तावीत असल्याचे दाखवून मला जिल्हाधिकारी कार्यालय, अहमदनगर यांचे कार्यालयाकडून सेवानिवृत्तीनंतरही ना-देय, ना-चौकशी प्रमाणपत्र देण्यात आले नाही. त्यामुळे मला सेवानिवृत्तीनंतरचे देय लाभ मिळण्यास विलंब होत आहे.

तरी मला सेवानिवृत्तीनंतरचे देय लाभ मिळण्याकरिता ना-देय प्रमाणपत्र मिळणेसाठी आपल्याकडून ना-हरकत देण्यात यावी, ही नम्र विनंती.

आपला विश्वासू,

(संजय म. बामणे)

सेवानिवृत्त जिल्हा खनिकर्म अधिकारी
मुंबई उपनगर जिल्हा

शासकीय अधिकारी/कर्मचा-यांच्या ५ वर्षांपेक्षा जास्त
कालावधीपर्यंत प्रलंबित विभागीय चौकशीबाबत...

महाराष्ट्र शासन

सामान्य प्रशासन विभाग

शासन परिपत्रक, क्रमांक प्रविचौ -२००८/प्र.क्र.११/०८/११-अ

मंत्रालय, मुंबई -४०० ०३२,

दिनांक :- ७ एप्रिल, २००८.

- वाचा :- १) शासन परिपत्रक, सामान्य प्रशासन विभाग, क्रमांक: सीडीआर-१३७९/
४८९/७२/११, दिनांक १९ एप्रिल, १९७९.
- २) शासन परिपत्रक सामान्य प्रशासन विभाग, क्रमांक: सीडीआर-११८५/२२३३/४२/११,
दिनांक २४ डिसेंबर, १९८५.
- ३) शासन परिपत्रक, सामान्य प्रशासन विभाग, क्रमांक: सीडीआर-११९०/३७७/प्र.क्र.१३/
११-अ, दिनांक १५ मे, १९९०.
- ४) शासन परिपत्रक, सामान्य प्रशासन विभाग, भ्रष्टानि-२२९७/ प्र.क्र.४४/११-अ,
दिनांक १९ नोव्हेंबर, १९९७.

परिपत्रक

महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम १९७९ च्या नियम ८ व नियम १० खाली सुरु केलेल्या विभागीय चौकशीची प्रकरणे अनुक्रमे सहा व तीन महिन्यात निकाली काढण्यात यावीत. अशा सर्वसाधारण सूचना असतानादेखील अनेक विभागीय चौकशीची प्रकरणे ५ वर्षांपेक्षा जास्त काळ प्रलंबित आहेत, असे शासनाच्या निदर्शनास आले आहे. वेळोवेळी या संदर्भात सूचना देऊनसुद्धा विभागीय चौकशीची प्रकरणे तातडीने पूर्ण करण्यात येत नाहीत. त्यामुळे मुदतवाढीचे प्रस्ताव विभागाकडून प्राप्त होतात. दीर्घकाळ सुरु असलेल्या विभागीय चौकशा पूर्ण होईपर्यंत अपचारी सेवानिवृत्तीच्या जवळ पास आलेला असल्यास संबंधित अधिकारी / कर्मचाऱ्यावर ठपका ठेवणे किंवा वेतनवाढ रोखणे तसेच सेवानिवृत्ती वेतनातून काही रक्कम कपात करणे अशी शिक्षा देण्याचे प्रस्ताव विभागाकडून प्राप्त होतात. खेरीज प्रदीर्घकाळ प्रलंबित विभागीय चौकशीमुळे सेवानिवृत्त अपचाऱ्यांना त्यांचे सेवानिवृत्तीविषयक लाभ मिळण्यास विलंब होतो. हे सर्व टाळण्यासाठी विभागीय चौकशीची प्रकरणे विभागीय चौकशी सुरु करण्याचा निर्णय घेतल्यानंतर विहीत कालावधीत पूर्ण करणे, संबंधित शिस्तभंगविषयक प्राधिका-यावर बंधनकारक करणे आवश्यक झाले आहे. यास्तव विभागीय चौकशीची प्रकरणे त्वरेने पूर्ण करण्यासाठी खालील सूचना पुन्हा नव्याने देण्यात येत आहेत.

- १) म.ना.से.(शिस्त व अपील)नियम, १९७९ च्या नियम १० खालील विभागीय चौकशी सुरु करण्यात आली आहे, अशी प्रकरणे कोणत्याही परिस्थितीत तीन महिन्यात निकाली काढण्यात यावीत.
- २) म.ना.से.(शिस्त व अपील) नियम, १९७९ च्या नियम ८ खालील विभागीय चौकशी प्रकरणे पूर्ण करण्याचा कालावधी हा चौकशी सुरु करण्याचा निर्णय झाल्यापासून जास्तीत जास्त सहा महिन्यापेक्षा अधिक नसावा.
- ३) तथापी काही प्रकरणांमध्ये उचित व पुरेशा कारणासाठी सहा महिन्याच्या विनिर्दिष्ट काळामध्ये विभागीय चौकशी पूर्ण करणे शक्य नसेल तर विभागीय चौकशी पूर्ण करण्यासाठी असलेली ही कालमर्यादा वाढवून देण्याचे अधिकार विभागीय चौकशी नियम पुस्तिका १९९१ मधील परि.३.१९ (परिशिष्ट-८) नुसार खालीलप्रमाणे आहेत.

अ.क्र	विभागीय चौकशी मंजूर करणारे शिस्तभंग विषयक प्राधिकरण	विभागीय चौकशी मंजूर केल्याच्या तारखेपासून ९ महिन्यापर्यंत मुदतवाढीस मंजूरी देण्यास सक्षम असणारे प्राधिकरण	विभागीय चौकशी मंजूर केल्याच्या तारखेपासून एक वर्षापर्यंतची मुदतवाढ मंजूर करण्यास सक्षम असणारे प्राधिकरण
१	विभाग प्रमुखास दुय्यम असलेले प्राधिकारी	विभाग प्रमुख	विभाग प्रमुख व शासन यामधील प्राधिकारी असे प्राधिकारी नसतील तेथे मंत्रालयीन प्रशासकीयविभाग

२	विभाग प्रमुख	विभाग प्रमुख व शासन यामधील प्राधिकारी, असे प्राधिकारी नसतील तेथे मंत्रालयीन प्रशासकीय विभाग	मंत्रालयीन प्रशासकीय विभाग
३	विभाग प्रमुख व शासन यामधील प्राधिकारी	मंत्रालयीन प्रशासकीय विभाग	प्रशासकीय विभाग सामान्य प्रशासन विभागाच्या सहमतीने
४	शासन	प्रभारी मंत्र्यांच्या सहमतीने मंत्रालयीन प्रशासकीय विभाग	सामान्य प्रशासन विभागामार्फत शासन.

४) विभागीय चौकशी मंजूर झाल्याच्या तारखेपासून ती पूर्ण करण्यासाठी एका वर्षापेक्षा अधिक कालावधी वाढवून देण्यास प्रशासकीय विभागाने सामान्य प्रशासन विभागाशी विचारविनिमय करून शासनाची अनुमती घ्यावी.

५) ज्या शासकीय सेवकावर न्यायालयात खटला दाखल झाला आहे. अशा प्रकरणी विभागीय चौकशी नियमपुस्तिका १९९१ च्या परि.४.२ नुसार विभागाने न्यायालयीन कार्यवाहीबरोबरच विभागीय चौकशी सुरु करण्याचा विचार करावा.

२. विभागीय चौकशी सुरु करण्याचा निर्णय होऊन पाच वर्षे किंवा त्यापेक्षा जास्त कालावधी झालेला आहे, अशा प्रकरणी विभागीय चौकशी दीर्घकाळ प्रलंबित राहण्यासाठी कोण जबाबदार आहे याची निश्चिती विभाग प्रमुखांनी करावी तसेच आवश्यकतेनुसार संबंधितांविरुद्ध शिस्तभंगाची कार्यवाही करावी.

३. विभागीय चौकशीचा अहवाल शिस्तभंगविषयक प्राधिकाऱ्याकडे प्राप्त झाल्यानंतर ज्या प्रकरणात महाराष्ट्र लोकसेवा आयोगाचा सल्ला आवश्यक नाही अशा सर्व प्रकरणात विभागाने दोन महिन्यांच्या कालावधीत अंतिम निर्णय घ्यावा. ज्या प्रकरणात महाराष्ट्र लोकसेवा आयोगाचा सल्ला आवश्यक आहे अशा प्रकरणी तो प्राप्त झाल्यानंतर एक महिन्यांच्या कालावधीत अंतिम आदेश काढण्यात यावेत.

४. सर्व शिस्तभंगविषयक प्राधिकाऱ्यांनी उपरोक्त सूचनांची काटेकोरपणे अंमलबजावणी करावी व विभागीय चौकशीची प्रकरणे तातडीने निकाली काढावीत.

५. सदर शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर उपलब्ध करून देण्यात आला असून त्याचा संगणक सांकेतांक २००८०४०७१६३०४५००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(प्र. ल. पाठक)

उप सचिव महाराष्ट्र शासन.

प्रति,

राज्यपालांचे सचिव,

मुख्यमंत्र्यांचे प्रधान सचिव,

उप मुख्यमंत्र्यांचे सचिव,

सर्व मंत्री व राज्यमंत्री यांचे खाजगी सचिव व स्वीय सहायक,

मुख्य सचिव/सर्व अपर मुख्य सचिव/प्रधान सचिव/सचिव मंत्रालयीन विभाग,

* प्रबंधक, उच्च न्यायालय (मूळ शाखा), मुंबई,

* प्रबंधक, उच्च न्यायालय (अपील शाखा), मुंबई,

* प्रबंधक, लोक आयुक्त व उप लोक आयुक्त यांचे कार्यालय, मुंबई,

* सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,

सर्व मंत्रालयीन विभाग,

मंत्रालयीन विभागाच्या नियंत्रणाखालील सर्व विभागप्रमुख/ प्रादेशिक विभागप्रमुख,

निवड नस्ती. *पत्राने



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PREM NATH BALI v. HIGH COURT OF DELHI

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(2015) 16 Supreme Court Cases 415

(BEFORE JASTI CHELAMESWAR AND ABHAY MANOHAR SAPRE, JJ.)

a PREM NATH BALI .. Appellant:

Versus

REGISTRAR, HIGH COURT OF DELHI AND ANOTHER .. Respondents.

Civil Appeal No. 958 of 2010[†], decided on December 16, 2015

b **A. Service Law — Penalty/Punishment — Judicial review/Validity — Scope — Court may only interfere where it is proved that punishment inflicted on delinquent was wholly unreasonable, arbitrary and disproportionate to gravity of proved charges shocking conscience of court or where it is found in contravention of the Rules**

c — Held, once charges levelled against delinquent employee are proved, then it is for appointing authority to decide quantum of punishment to be imposed taking into consideration nature and gravity of charges, findings of enquiry officer, service record of delinquent employee and other relevant factors — Further held, once such discretion is exercised by appointing authority, courts should be slow to interfere therewith and only in rare and appropriate cases substitute punishment where it is proved that punishment inflicted on delinquent was wholly unreasonable, arbitrary and disproportionate to gravity of proved charges shocking conscience of court or where it is found in contravention of the Rules — Courts may in such cases either remit matter to appointing authority or may substitute punishment itself

d — In instant case, it was alleged that appellant had quarrelled with female co-employee, used unwarranted words which were totally uncalled for, when she refused to succumb to his demands for delivering copies of certified documents which were processed after closing of application register for that day — Said allegations were found to be proved consequent to which punishment of compulsory retirement was imposed — Held, having regard to nature of proved charges, punishment of compulsory retirement calls for no interference — CCS (Classification, Control and Appeal) Rules, 1965, Rr. 14 and 10(5)(c) (Paras 19 to 22)

e **B. Service Law — Pension — Computation/Calculation of pension — Period of suspension — Whether to be reckoned as period on duty — Delay of more than 9 years in completing departmental proceedings during which appellant was placed under suspension, which was attributable equally to appellant and respondent as well — No justification put forth by respondent to explain such inordinate delay**

f — Held, it is duty of employer to ensure that departmental enquiry initiated against delinquent employee is concluded within shortest possible time by taking priority measures, as far as possible within six months which may further be extended to 1 year in certain circumstances — More so, where employee is placed under suspension during relevant period to avoid inconvenience, loss

g [†] From the Judgment and Order dated 21-8-2008 of the High Court of Delhi at New Delhi in WP (C) No. 2046 of 2001

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SUPREME COURT CASES

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and prejudice to rights of delinquent employee — On facts held, exclusion of period of suspension for purpose of computation of pension was not justified — Respondents directed to redetermine appellant's pension by taking into account period of suspension and to pay accordingly in future along with arrears — Central Civil Services (Classification, Control and Appeal) Rules, 1965, Rr. 14 and 10(5)(c) (Paras 24 and 31)

a

Prem Nath Bali v. High Court of Delhi, 2008 SCC OnLine Del 959 : (2008) 153 DLT 150, partly affirmed

C. Service Law — Departmental Enquiry — Enquiry procedure — Natural justice — Compliance with

b

— Appellant served with detailed charge-sheet along with documents referred to therein; he filing reply to charge-sheet; parties given full opportunity to adduce evidence, which they availed of by examining witnesses in their support and by cross-examining each of them — Thus held, there was due compliance with principles of natural justice by enquiry officer, warranting no interference in exercise of writ jurisdiction — Constitution of India, Art. 226 (Para 17)

c

Appeal partly allowed

P-D/56097/SL

Advocates who appeared in this case :

Sreegesh, V.S. Lakshmi and Balraj Dewan, Advocates, for the Appellant;

Wasim A. Qadri, Ms Rekha Pandey, Zaid Ali. T. Qadri, D.S. Mahra and Ms Anil Katiyar, Advocates, for the Respondents.

d

Chronological list of cases cited

on page(s)

1. 2008 SCC OnLine Del 959 : (2008) 153 DLT 150, *Prem Nath Bali v. High Court of Delhi*

416e-f, 417g

The Judgment of the Court was delivered by

ABHAY MANOHAR SAPRE, J.— This appeal is filed against the final judgment and order dated 21-8-2008 of the High Court of Delhi at New Delhi in *Prem Nath Bali v. High Court of Delhi*¹ whereby the High Court dismissed the petition filed by the appellant herein.

e

2. In order to appreciate the issue involved in this appeal, which lies in a narrow compass, it is necessary to set out the relevant facts in brief infra.

f

3. On 1-10-1965, the appellant joined the Office of District & Sessions Court, Delhi as Lower Division Clerk. He was confirmed w.e.f. 6-7-1976. Thereafter on 26-7-1986, he was promoted as Upper Division Clerk (UDC). In May 1989, he was posted as UDC as in-charge of Copying Agency (Criminal Side) at Patiala House Court, New Delhi.

4. While working as UDC and in-charge of Copying Agency (Criminal) at Patiala House Court, on 23-1-1990, the appellant submitted a written complaint against one Window Clerk, namely, Smt Brij Bala, to the officer in charge of the Copying Agency, Patiala House Courts stating therein that she is not discharging her duty effectively and she often used to close the counter of the Copying Agency before the prescribed time and after lunch also she used to resume her duty after the prescribed time. Therefore, the litigants had occasion

g

h

¹ 2008 SCC OnLine Del 959 : (2008) 153 DLT 150

PREM NATH BALI v. HIGH COURT OF DELHI (*A.M. Sapre, J.*)

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to make a complaint to the appellant and he had to depute other official to attend the work. The appellant requested for her transfer.

- a 5. On the same day, Smt Brij Bala also made a statement to the superior officer that on 22-1-1990 after closing the application register at 1.00 p.m., she came to know that some applications, which were not even entered in the register on that day, were entered in CD2/Dak register subsequently and the certified copies were got prepared of those applications on the same date. She was also pressurised to deliver the copies on the same date at 2.30 p.m. When she refused to deliver the copy, the appellant quarrelled with her and used unwanted words in the office, which were uncalled for.

6. The officer-in-charge forwarded the aforesaid statement of Smt Brij Bala to the District Judge. On the basis of the said complaint, a preliminary enquiry was made. Thereafter a departmental enquiry was also held against the appellant. On 6-2-1990, the appellant was placed under suspension.

- c 7. A memorandum dated 18-7-1990 was served on the appellant by the Office of the District & Sessions Judge, Delhi that the authority proposes to hold an enquiry against him under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (in short "the CCS Rules") which included the statement of articles of charges and other relevant documents.

- d 8. The disciplinary proceedings, which commenced on 18-7-1990, continued for more than nine years. Pending disciplinary proceedings, the appellant sought revocation of suspension order but such representation made by the appellant was not considered. Subsequently, vide order dated 1-3-1999, the then District & Sessions Judge, exercising the powers conferred under clause (c) of sub-rule (5) of Rule 10 of the CCS Rules revoked the order of suspension with immediate effect. The issue, whether the period of suspension is to be reckoned as period on duty, was not decided and directed to be taken up after conclusion of the disciplinary proceedings.

- e 9. The District & Sessions Judge, Delhi passed two orders dated 27-10-1999 and 28-10-1999 imposing a major penalty of compulsory retirement on the appellant. It was also ordered that the appellant will not be entitled to any amount more than the allowances already paid during the period of suspension.

- f 10. Challenging the said order, the appellant filed an appeal before the Administrative Judge of the High Court of Delhi. Vide order dated 21-8-2000, the Administrative Judge dismissed the appeal. Against the said order, the appellant filed WP No. 2046 of 2001 before the High Court. The High Court, by the impugned judgment dated 21-8-2008¹, dismissed the petition.

- g 11. Aggrieved by the said order, the appellant filed this appeal by way of special leave before this Court.

12. The appellant appeared in person. Mr Wasim Qadri, learned counsel appeared for the respondents. Since the appellant had no legal assistance, he

h

¹ *Prem Nath Bali v. High Court of Delhi*, 2008 SCC OnLine Del 59 : (2008) 153 DLT 150

was appearing in person. We requested Mr Sreegesh, learned counsel, who was present in Court, to appear for the appellant to enable us to decide the appeal.

13. Heard Mr Sreegesh, learned counsel for the appellant and Mr Wasim A. Qadri, learned counsel for the respondents. a

14. We record our appreciation for Mr Sreegesh, learned counsel, who on our request argued the case ably with fairness for the appellant and rendered his valuable assistance on every date of hearing. Submissions of Mr Sreegesh were threefold:

14.1. In the first place, he contended that no case whatsoever is made out against the appellant for imposing the punishment of compulsory retirement. He also made attempt to find fault in the departmental enquiry proceedings and contended that the manner in which the proceedings were held would indicate that the appellant did not get fair opportunity to meet the charges and, therefore, the departmental proceedings are rendered bad in law having been conducted in violation of principles of natural justice. b

14.2. In the second place, the learned counsel contended that in any event the punishment of compulsory retirement imposed on the appellant was not commensurate with the gravity of charge and being wholly disproportionate to the nature of charges, this Court should interfere in the quantum of punishment and reduce it to make the same in tune with the gravity of the charges. c

14.3. In the third place, the learned counsel contended that the appellant was kept under suspension for a long period of 9 years and 26 days (6-2-1990 to 1-3-1999) without any justifiable cause on the part of the respondents and yet the respondents excluded this period while calculating the appellant's pension, which according to him was not justified and, therefore, a direction be issued to the respondents to count the period of suspension for determining the appellant's pension and other retiral benefits. d

15. In reply, the learned counsel for the respondents supported the impugned order. As regards the last submission of the learned counsel for the appellant, his reply was that since the departmental proceedings were delayed due to the appellant's seeking frequent adjournments from time to time and hence he is not entitled to claim the benefit of period of suspension for fixing his pension which, according to him, was rightly fixed after excluding the suspension period. e

16. Having heard the learned counsel for the parties and on perusal of the record of the case, we find force only in the third submission of the appellant's counsel whereas the first two submissions are concerned, we find no substance. f

17. We have perused the record of the departmental proceedings and find that the inquiry officer fully observed principle of natural justice while conducting the departmental proceedings. It is not in dispute that the appellant was served with detailed charge-sheet along with the documents referred to therein. He filed reply to the charge-sheet. The parties were then given full opportunity to adduce evidence and which they availed of by examining witnesses in their support and by cross-examining each of them. What more, in our opinion, is then required in any departmental proceedings? The writ court g

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a examined this issue in detail and rightly recorded the finding that the inquiry officer observed the principle of natural justice in the departmental proceedings and found no fault in the proceedings so as to entitle the court to interfere in writ jurisdiction.

18. We find no good ground to take a different view on this issue and reject this submission being devoid of any merit.

b 19. This takes us to the next question as to whether the punishment of compulsory retirement inflicted on the appellant was justified or not? It was the submission of the learned counsel for the appellant that the punishment of compulsory retirement was not justified. However, in our view, it was rightly inflicted.

c 20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved then it is for the appointing authority to decide as to what punishment should be imposed on the delinquent employee as per the Rules. The appointing authority, keeping in view the nature and gravity of the charges, findings of the inquiry officer, entire service record of the delinquent employee and all relevant factors relating to the delinquent, exercised its discretion and then imposed the punishment as provided in the Rules.

d 21. Once such discretion is exercised by the appointing authority in inflicting the punishment (whether minor or major) then the courts are slow to interfere in the quantum of punishment and only in rare and appropriate case substitutes the punishment. Such power is exercised when the court finds that the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges thereby shocking the conscience of the court or when it is found to be in contravention of the Rules. The Court may, in such cases, remit the case to e the appointing authority for imposing any other punishment as against what was originally awarded to the delinquent employee by the appointing authority as per the Rules or may substitute the punishment by itself instead of remitting to the appointing authority.

f 22. The learned counsel for the appellant was not, however, able to show us with reference to the facts of the case that the case of the appellant satisfies any of the aforementioned grounds so as to entitle this Court to interfere in the quantum of punishment and hence, in our considered view, the punishment of compulsory retirement inflicted upon the appellant by the appointing authority having regard to the nature of proved charges appears to be just and proper and does not call for any interference.

g 23. This takes us to the last submission of the learned counsel for the appellant, which in our considered view, deserves serious consideration.

h 24. One cannot dispute in this case that the suspension period was unduly long. We also find that the delay in completion of the departmental proceedings was not wholly attributable to the appellant but it was equally attributable to the respondents as well. Due to such unreasonable delay, the appellant naturally suffered a lot because he and his family had to survive only on suspension allowance for a long period of 9 years.

25. We are constrained to observe as to why the departmental proceeding, which involved only one charge and that too uncomplicated, have taken more than 9 years to conclude the departmental enquiry. No justification was forthcoming from the respondents' side to explain the undue delay in completion of the departmental enquiry except to throw blame on the appellant's conduct which we feel, was not fully justified. a

26. Time and again, this Court has emphasised that it is the duty of the employer to ensure that the departmental enquiry 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. b

27. 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. c

28. Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavour to conclude the departmental enquiry 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 the reasonably extended period depending upon the cause and the nature of inquiry but not more than a year. d e

29. Now coming to the facts of the case in hand, we find that the respondent has fixed the appellant's pension after excluding the period of suspension (9 years and 26 days). In other words, the respondents while calculating the qualifying service of the appellant for determining his pension did not take into account the period of suspension from 6-2-1990 to 1-3-1999. f

30. Having regard to the totality of the facts and the circumstances, which are taken note of supra, we are of the view that the period of suspension should have been taken into account by the respondents for determining the appellant's pension and we accordingly do so. g

31. In view of the foregoing discussion, the appeal succeeds and is allowed in part only to the extent indicated above in relation to fixation of the appellant's pension. The respondents are accordingly directed to redetermine the appellant's pension by taking into account the period of suspension (6-2-1990 to 1-3-1999) and then pay to the appellant arrears of the difference amount from the date he became eligible to claim pension and then to continue to pay the appellant redetermined pension regularly in future as per the Rules. It is to be done within three months from the date of receipt of this order. No costs. h