

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 492/2015

Umashankar Purushottam Buruje,
 Aged about 39 years, Talathi,
 R/o Patwari Colony, Shegaon,
 Distt. Buldana.

-----**Applicant.**

Versus

1. The State of Maharashtra,
 Through its Secretary,
 Department of Revenue,
 Mantralaya Mumbai.
2. The Divisional Commissioner,
 Amravati Division, Amravati.
3. The Collector, Buldana.
4. The Sub-Divisional Officer, Khamgaon,
 Tq. Khamgaon, Distt. Buldana.

-----**Respondents-**

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1. Shri P.V. Thakre, Advocate for the applicant.
 2. Shri M.I. Khan, Presenting Officer for the Respondents.
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CORAM : Justice A.H. Joshi : Chairman

DATE : 16th February, 2016

ORDER -

1. Shri P.V. Thakre, Id. Advocate for the applicant and Shri M.I. Khan, Id.
 P.O. for the respondents.



2. Heard both sides. Perused the record.

3. Perusal of record reveals that Charge nos. 1, 2 and 6 are vague on bare perusal, and finding that those charges are debatable. Findings recorded by competent authority holding that these charges are proved, can and need to be disregarded on the ground of vagueness of charges. Therefore no further and detailed discussion on the validity of findings on the Charge Nos.1, 2 and 6.

4. In so far charge nos. 3,4,5,8 and 9 are concerned those pertain to failure to perform various functions, discharge of duties, obligations and consequent misconduct.

5. Perusal of applicant's reply to the charge nos. 3 to 6, 8 and 9 reveals that applicant's reply is not only evasive but the applicant has in fact admitted his acts of failure and has offered justification towards reasons due to which he has failed to perform the duties.

6. It is evident that the grounds of defence pleaded and raised by the applicant were not proved by him before the enquiry officer or competent disciplinary authority.

7. Based on the material on record, the disciplinary authority has rejected the applicant's defence.

8. By way of grounds of challenge various grounds which are, argued as well as which are averred in memo of O.A. are seen in para no.6.9 (A) to (D).

Those are quoted and dealt with as herein below :

- (I) “(A) *The impugned orders dated 30/05/2015 & 03/08/2013 confirming the order dated 4/9/2012 in the matter of punishment of stopping of 2 increments without affecting the future increments, are clearly unsustainable in the eyes of law inasmuch as the same have been passed without any application of mind mechanically.*
- (B) *The Respondents ought to have considered the explanation submitted by the applicant with regard to the charges levelled against him, in its true perspective. Failure to do that amounts to violation of principles of natural justice”.*

(quoted from Page Nos.4 and 5 of paper book of O.A.)

Analysis :- challenge contained in these grounds is vague. The vocabulary employed in the grounds is like verling abuses than an act of objectively describing or narrating errors by assorting the acts and/or omissions of disciplinary authority. Therefore these grounds are meritless and do not call for any further and detailed discussion.

- (II) “(C) *The respondents/authorities failed to consider that, the charges levelled against the applicant would not be substantiated in absence of specific evidence and the applicant could not have been committed any sort of misconduct, as alleged in the charge sheet.*
- (D) *The impugned orders have been passed arbitrarily and arbitrariness is an antithesis to the rule of law and for that purpose the applicant is availing the remedy before this Hon'ble Tribunal”.*

(quoted from Page No. 5 of paper book of O.A.)

Analysis :- The challenge contained in the ground Nos. (C) and (D) can be described as challenge purely on question of Law. The omissions which constitute the factual matter of misconduct are admitted by applicant either tacitly or by failure to deny. The applicant has failed to dispute and deny the factual imputation which is the foundation of the charges.

9. Therefore the criticism offered by applicant against the adverse findings in the ground nos. (C) and (D) is baseless and discourteous. Calling a finding bad or illegal does not suffice. It has to be shown as to why said finding is illegal.

10. Result is that the challenge contained in O.A. and actually argued is based on passion than on objective challenge and legal ground by pointing out violation of any statutory rule or a finding precedent.

11. The finding and decision of the competent disciplinary authority are not shown to be illegal. In absence of findings and order being shown to be illegal, no interference can be done, for the sake of asking.

12. Hence O.A. is dismissed. Parties shall bear own costs.

sd/-

(Justice A.H. Joshi)
Chairman.