

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO. 208 OF 2023

WITH

MISC. APPLICATION NO. 281 OF 2024

DIST. : NANDURBAR

Suryabhan s/o Eknath Pawar,)
 Age 45 years, Occ. Service as Jail Guard,)
 R/o C/o District Prison, Class-I,)
 Nandurbar, Tq. & Dist. Nandurbar.) .. **APPLICANT**

V E R S U S

- 1) **The State of Maharashtra,**)
 Through the Secretary,)
 Home Department, Mantralaya,)
 Madam Kama Road, Mumbai – 32.)
- 2) **Additional Director General**)
of Police & Inspector General)
of Prison & Sudhar Seva,)
 Maharashtra State, Old Central)
 Building, 2nd Floor, Pune-411 001.)
- 3) **Dy. Inspector General of Prison**)
 Central Division,)
 Aurangabad 431 008.)
- 4) **The Superintendent,**)
 Jalgaon District Prison, Class-2,)
 Jalgaon.)
- 5) **Enquiry Officer & Superintendent,)**
 Nanded District Prison, Class-2,)
 Nanded.) .. **RESPONDENTS**

APPEARANCE :- Shri K.B. Jadhav, learned counsel for the applicant.

: Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

CORAM : **Hon'ble Shri Justice V.K. Jadhav,**
Vice Chairman
AND
Hon'ble Shri Vinay Kargaonkar,
Member (A)

RESERVED ON : **13.12.2024**
PRONOUNCED ON : **19.12.2024**

ORDER

(Per : Justice V.K. Jadhav, Vice Chairman)

1. Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities.
2. The matter is finally heard with consent of both the sides at the admission stage.
3. By filing this Original Application, the applicant is challenging the departmental enquiry initiated against him by respondent no. 03 by issuing charge-sheet dated 22/24.05.2018. The applicant is also challenging the order dated 30.12.2022 issued by respondent no. 03, thereby appointing respondent no. 05 as an Enquiry Officer. The applicant is seeking directions to respondents to exonerate him from the departmental enquiry.

4. Brief facts giving rise to this Original Application are as follows:-

(i) The applicant was initially appointed on 24.06.2000 on the post of Jail-Guard at Central Jail, Thane. Thereafter, he was transferred at various places. However, while working on the post of Jail-Guard in the office of respondent no. 04 at Jalgaon, the respondent no. 03 had issued the suspension order dated 30.12.2017 in contemplation of the departmental enquiry against the applicant as per rule 8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 (hereinafter referred as 'Rules of 1979'). It was alleged that the applicant was on duty at main gate of Jail on 27.12.2017, one person namely Shri Solas was giving some articles to outsider from the window of the Main Gate, but the applicant had not intervene in it. Thereafter, one police personnel came there with 02 bags and various prisoners came there. Out of them one Viky Jadhav talk with said Police personnel and said bags were accordingly handed over to him and even has taken the currency notes from the said police personnel. It was recorded in the CCTV footage. It is, therefore, stated that the acts of the applicant were against his duties and responsibilities and, as such, the departmental enquiry is necessary. The applicant was, therefore, suspended by order dated 30.12.2017 (Annexure 'A-1') and his headquarter was kept at Latur.

(ii) It is the further case of the applicant that the respondent no. 03 had issued the order dated 26.04.2018,

thereby reinstating the applicant in service and posted him at District Prison, Nandurbar, subject to outcome of the departmental enquiry. On 22/24.05.2018, the respondent no. 03 issued the charge-sheet to the applicant in terms of rule 8 of Rules of 1979 and thus initiated departmental enquiry against the applicant. There was neither list of witnesses nor list of documents with the charge-sheet. Copy of the charge-sheet issued by respondent no. 03 is annexed as Annexure 'A-3'.

(iii) On 19.09.2019, the respondent no. 03 issued the orders appointing thereby the Superintendent and Jailor, Grade-I, District Prison, Jalna as an Enquiry Officer and Presenting Officer to conduct the departmental enquiry against the applicant.

(iv) On 30.09.2019, the applicant had submitted an application to the respondent no. 03 and the Enquiry Officer and demanded thereby permission order issued by the Government for continuation of the departmental enquiry against the applicant in terms of Government Resolution dated 07.04.2008. The respondent no. 03 by communication dated 02.11.2019 informed to the applicant that no such permission has been taken from the Government. The applicant has, therefore, requested to stay the said departmental enquiry by application dated 22.11.2019 (Annexure 'A-10'). The Enquiry Officer accordingly stopped the enquiry against the applicant and there was no progress in the departmental enquiry further.

(v) On 30.12.2022, the respondent no. 03 had issued an order appointing thereby the respondent no. 05, the Superintendent of District Prison, Nanded as a new Enquiry Officer and the Jailor, Grade-I, District Prison, Nanded as Presenting Officer. The applicant thereafter submitted repeated applications to respondent no. 03 demanding the copy of the approval granted by the Government for continuation of the departmental enquiry against him. However, it was informed to the applicant that no such permission has been granted by the State Government. On 07.02.2023, the applicant has submitted an application to respondent no. 03 and requested to cancel the departmental enquiry, which is delayed for more than 01 year.

(vi) On 27.02.2023, the respondent no. 05, the Enquiry Officer, issued notice to the applicant and called upon him for departmental enquiry on 01.03.2023. On 28.02.2023, the applicant has submitted an application to the respondent no. 03 that since no approval was obtained from the Government for continuation of the departmental enquiry against the applicant, the said departmental enquiry is liable to be quashed. The applicant has pointed out that the Enquiry is delayed by 04 years and 09 months and, as such, cannot be continued. The applicant has appeared before the respondent no. 05, the Enquiry Officer, on 01.03.2023 and requested that the enquiry is time barred. There is no further progress in the departmental enquiry till today. Hence, this Original Application.

5. The learned counsel for the applicant submits that there is long delay in conducting the departmental enquiry and in view of the same the departmental enquiry as against the applicant is vitiated in view of the guidelines issued by the Hon'ble Supreme Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr.** reported in **AIR 2016 SCC 101** and in terms of Government Circular dated 21.02.2015.

6. The learned counsel for the applicant submits that in the identical situation this Tribunal has quashed the departmental enquiry on the ground of inordinate delay for conducting the departmental enquiry in the line of the judgment of the Hon'ble Supreme Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr.** (cited supra). The learned counsel submitted that the present departmental enquiry pending against the applicant is liable to be quashed and set aside, which is pending for more than 05 years. The learned counsel submits that the act of the respondent authorities is discriminatory and victimizing the applicant. The applicant has sustained serious loss to his career as the departmental enquiry is pending against him at Jalna. The learned counsel submits that the Original Application deserves to be allowed.

7. The learned Presenting Officer on the basis of the affidavit in reply filed on behalf of respondent nos. 02 and 03 submits that serious allegations are made against the applicant and *prima facie* there is a material about misconduct of the applicant. There is clear-cut violation of rules 50, 51 and 52 of the Chapter 14 of Staff Functions of Maharashtra Prison Manual, 1979. The misconduct of the applicant is recorded in the CCTV footage. The applicant is involved therein and utterly neglected to perform his duties.

8. The learned Presenting Officer submits that on 01.01.2018 the applicant gave statement before the Deputy Inspector General of Prison, Central Region, Aurangabad specifically admitting that the incident, which is subject matter of the departmental enquiry, was happened in his presence on 27.12.2017. Copy of the said statement of the applicant is marked as Exhibit 'R-1'.

9. The learned Presenting Officer submits that the applicant was reinstated in service, subject to departmental enquiry pending at Nandurbar, vide order dated 23.04.2018. The respondent no. 03 has issued a show-cause notice along with charge-sheet vide order dated 24.05.2018 in terms of the provisions of rule 8 of the Rules of 1979 and called upon the

applicant to submit his explanation. Though, the applicant was given time of 10 days to submit his explanation, the applicant has not submitted his explanation within the given time. Therefore, the respondent no. 03 again issued reminders on 14.06.2018 and 17.11.2018 and called upon the applicant to submit his explanation. The applicant has thus filed his explanation on 07.12.2018, which was received by the office of the respondent no. 03 through the Superintendent, District Prison, Nandurbar on 19.12.2018. The applicant has denied the charges leveled against him. Thus, the respondent no. 03 deputed the Superintendent of District Prison, Jalna as an Enquiry Officer vide order dated 19.09.2019.

10. The learned Presenting Officer submits that while the departmental enquiry was in a way, the COVID-19 pandemic hit the nation. The Government offices were initially working at 5% of their capacity and subsequently 10% of their capacity as per Government Resolutions dated 23.03.2020 and 18.04.2020 respectively. Thus, the departmental enquiry could not be completed within time.

11. The learned Presenting Officer submits that the then Enquiry Officer i.e. the Superintendent of District Prison, Jalna came to be attached to Aurangabad Central Prison by order

18.10.2021 on administrative grounds and it has resulted in delay in completing the departmental enquiry. Thus, the respondent no. 03 appointed another Enquiry Officer, the Superintendent of District Prison, Nanded, vide order dated 30.12.2022. The applicant has vide repeated applications stated that the respondent no. 03 did not seek extension of time from the Government for continuing the departmental enquiry against him and thus, the departmental enquiry cannot be proceeded against him. Even the applicant has informed to the Enquiry Officer that he is not willing to file representation/statement as he is about to file the Original Application before this Tribunal. This ultimately had made further delay in completing the departmental enquiry. Thus, due to above mentioned various reasons, the Enquiry Officer, as well as, the respondent no. 03 could not seek the extension of time for concluding the departmental enquiry. At present the departmental enquiry is at the final stage. Out of 04 delinquents, 01 has passed away and, therefore, the departmental enquiry has been stopped against him. Only the applicant, who is not cooperating to the Enquiry Officer to complete the departmental enquiry and seeking adjournments for one or another reason.

12. The learned Presenting Officer submits that in a case of **Secretary, Ministry of Defence & Ors. Vs. Prabhash Chandra Mirdha** reported in **AIR 2012 SC 2250** the Hon'ble Supreme Court ruled that the charge-sheet cannot generally be a subject matter of challenge as it does not adversely affect the rights of the delinquent unless it is established that the same has been issued by an authority not competent to initiate the disciplinary proceedings. Otherwise, no charge sheet can be quashed at the initial stage as it would be a premature stage to deal with the issues. Proceedings are not liable to be quashed on the ground of delay and gravity of the alleged misconduct is a relevant factor to be taken into consideration while quashing the charge-sheet.

13. The learned Presenting Officer submits that the charges against the applicant are serious in nature. Due to misconduct of the applicant there is likely hood of happening of any unfortunate incident during the duty period of the applicant in the premise of the prison and, therefore, it would not be possible to quash the departmental enquiry initiated against the applicant. Further, the respondent no. 03 has concluded the enquiry against other 02 delinquents and issued punishment order dated 15.04.2024 of stoppage of the increments.

14. The learned Presenting Officer submits that in the case of **State of Madhya Pradesh & Anr. Vs. Akhilesh Jha & Anr. (Civil Appeal No. 5153/2021 (arising out of S.L.P. (C) No. 4655/2020)** the Hon'ble Supreme Court has observed that the Tribunal would have been justified in directing the expeditious conclusion of the enquiry, but instead it proceeded to quash the enquiry in its entirety. This in our view was clearly impermissible. Every delay in conducting the disciplinary enquiry does not *ipso facto* lead to enquiry being vitiated.

15. The applicant is seeking quashing and setting aside the departmental enquiry initiated against him solely for the reason of delay in concluding the departmental proceedings. The Hon'ble Supreme Court in the case of **Secretary, Ministry of Defence & Ors. Vs. Prabhash Chandra Mirdha** (cited supra) has made the following observations:-

"13. Thus, the law on the issue can be summarized to the effect that charge-sheet cannot generally be a subject matter of challenge as it does not adversely affect the rights of the delinquent unless it is established that the same has been issued by an authority not competent to initiate the disciplinary proceedings. Neither the disciplinary proceedings nor the charge-sheet be quashed at an initial stage as it would be a premature stage to deal with the issues. Proceedings are not liable to be quashed on the grounds that proceedings had been initiated at a

belated stage or could not be concluded in a reasonable period unless the delay creates prejudice to the delinquent employee. Gravity of alleged misconduct is a relevant factor to be taken into consideration while quashing the proceedings.”

16. It is thus well settled that in a case where the departmental charge-sheet is challenged before the Court/Tribunal on the ground of delay in initiation of disciplinary proceedings or delay in concluding the said proceedings, the Court/Tribunal may quash the charge-sheet after considering the gravity of the charge and all relevant factors involved in the case weighing all the facts both for and against the delinquent employee and must reach the conclusion which is just and proper in the circumstance.

17. In the instant matter the charges as leveled in the disciplinary proceedings against the applicant are grave in nature. The applicant was on duty at main-gate of the Jail on 27.12.2017 and at that time one Guard namely Shri Solas was found giving something from his pocket to the outsiders from the window of the main-gate and it was duty of the applicant to prevent it. It has been further alleged that thereafter the applicant went outside the prison and then again entered from the main-gate and after that in his presence one Police personnel entered from the main gate by holding 02 bags full

with articles and on seeing him many prisoners came near the main gate including prisoner Viky Jadhav. Said Viky Jadhav had talk with the police personnel and took the said bags in his hand, so also some currency notes from the said police personnel. It is alleged that entire incident has been recorded in the CCTV footage. It has been stated that the said conduct of the applicant is violative of sub-rule 3 of rule 8 of the Rules of 1979 and rules 50, 51 and 52 of the Chapter 14 of Staff Functions of Maharashtra Prison Manual, 1979. Rules 50, 51 and 52 of the Staff Functions of Maharashtra Prison Manual, 1979 reads as under:-

“50. The gate keeper shall not allow any articles to pass in unless the receipt is signed by the official removing such Articles inside to the stores.

51. It shall be lawful for the gatekeeper for the purpose of the forgoing rules, to search all persons passing in or out of the prison except the members of the board of visitors for prison constituted under the rule 3 of the Maharashtra Visitors of Prisons Rules, 1962, gazetted officers of the prison, Matron and such other persons who enter the prison with the permission of the Superintendent. The search of all persons including prisoners shall be carried out with due respect for decency and with as much consideration as possible.

52. If the gatekeeper has reason to believe that a person exempted from search is bringing any prohibited article into or out of the prison, such person shall, subject to the orders of the Superintendent and in his absence of the senior most officer of the prison, be searched by the Senior Jailor.”

18. It would not be appropriate on our part to make any comment at this stage as the departmental enquiry against the applicant is not yet concluded. However, suffice to say that the charges are very grave in nature. It also touches to the question of maintaining the discipline in the Jail particularly in connection with the prisoners.

19. We also need to consider all the relevant factors involved in the instant case to reach to the conclusion, which is just and proper in the circumstances:-

(A) Undisputedly, the respondent no. 03 issued the charge-sheet to the applicant on 22/24.05.2018 as per rule 8 of the Rules of 1979 and initiated departmental enquiry against the applicant.

(B) On 19.01.2018, the applicant had submitted an application to respondent no. 04 and demanded the copy of the duty register.

(C) On 12.02.2018, the applicant submitted an application and demanded the report submitted for his suspension.

(D) On 23.03.2018 and 09.05.2018, the applicant submitted applications and demanded the CCTV footage and duty register.

(E) On 06.06.2018, again the applicant submitted an application and demanded the outward register nos. 10 and 11.

(F) The applicant has submitted an application on 05.07.2018 to respondent no. 03 and sought time to file the reply and requested to supply the documents.

(G) On 27.07.2018 the applicant again submitted an application and sought time to file the reply and requested to supply the documents.

(H) Finally the applicant has submitted an explanation to the show cause notice and the charge-sheet on 07.12.2018, which was received to the respondent no. 03 through the Superintendent, District Prison, Nandurbar on 19.12.2018. The applicant denied all the charges leveled against him. Thus, the respondent no. 03 deputed the Superintendent and Jailor, Grade-I, District Prison, Jalna as an Enquiry Officer and Presenting Officer to conduct the departmental enquiry against the applicant and others vide order dated 19.09.2019.

(I) It further appears that while the departmental enquiry was proceeding further, due to outbreak of COVID-19 pandemic and less attendance of the staff in the office in terms of the G.Rs. dated 23.03.2020 and 18.04.2020, the departmental enquiry could not be completed within time.

(J) Meanwhile, the Superintendent, District Prison, Jalna, who was appointed as an Enquiry Officer, transferred to Aurangabad Central Prison under the orders of the Deputy Inspector General of Prison, Central Prison, Aurangabad by order dated 18.10.2021 on administrative grounds.

(K) The respondent no. 03 has thereafter appointed the Superintendent, District Prison, Nanded as an Enquiry Officer vide order dated 30.12.2023.

(L) Further, during the course of the hearing on 01.03.2023, the applicant has questioned the continuation of the departmental enquiry against him on the ground that the respondent no. 03 did not seek extension of time from the Government for concluding the departmental enquiry and requested to stop the departmental enquiry.

(M) It is also further part of record that time to time the applicant has raised same ground and consequently the Enquiry Officer could not proceed with the departmental enquiry.

(N) Admittedly, it was enquiry of 04 delinquents in connection with the same incidence, out of which 01 delinquent died and 02 have faced the departmental enquiry. They are found guilty and punishment order dated 15.04.2024 was passed against them by stoppage of increments. However, the departmental enquiry as against the present applicant could not be proceeded further due to the aforesaid reasons.

20. The learned counsel for the applicant submits that in terms of G.R. dated 07.04.2008, it is incumbent upon the department to conclude the said departmental enquiry as far as possible within 06 months from the date of its initiation and the Head of the Department can extend the time up to 09 months and the Divisional Head of the Department may extend it up to 01 year. It is further incumbent upon the Department to take permission from the administrative Department of the Government, if the departmental enquiry is not concluded within 01 year from the date of its initiation.

21. We have carefully gone through the said G.R. dated 07.04.2008. This Resolution appears to have been issued to avoid the delay in granting the pensionary benefits to such an employee against whom the departmental enquiry has been initiated. In the instant matter, as on the date of filing this

Original Application in the year 2023, the applicant was of 45 years of age and even considering the time spent in deciding this application, the retirement of the applicant on superannuation would be more than 11 years later.

22. Learned counsel for the applicant has placed his reliance in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr.** (cited supra) and submits that the departmental enquiry should have been concluded within extended period of 01 year, but in any case not more than 01 year. In the facts of cited case on 06.02.1990, the appellant (delinquent employee) was placed under suspension. A memorandum dated 18.07.1990 was served on him by the office of the District & Sessions Judge, Delhi i.e. the authority proposes to hold an enquiry against him. The disciplinary proceeding which comes on 18.07.1990 continued for more than 09 years. Pending disciplinary proceedings, the appellant (delinquent employee) sought revocation of suspension order but said representation made by him was not considered. Subsequently, vide order dated 01.03.1999 the suspension was revoked. Thus, the issue before the Hon'ble Supreme Court whether the period of suspension is to be reckoned as period on duty and was not decided and directed to be taken up after conclusion of the

disciplinary proceedings. Subsequently, the District & Sessions Judge, Delhi by passing two orders dated 27.10.1999 and 28.10.1999 imposed a major penalty on the delinquent employee of compulsory retirement and further held that he is not entitled to any amount more than the allowances already paid during the period of suspension. In paragraph Nos. 21 to 23 of the aforesaid judgment the Hon'ble Supreme Court has recorded that the inquiry officer fully observed the principles of natural justice in the departmental proceedings and no fault is found in the departmental proceedings so as to entitle the Court to interfere in it in writ jurisdiction. The Hon'ble Supreme Court has also observed that the punishment of compulsory retirement imposed on the delinquent employee was justified and it was rightly inflicted.

So far as the question of the unduly long period of suspension is concerned, the Hon'ble Supreme Court has observed about the delay in completion of the departmental proceedings. It is also observed that the delinquent employee naturally suffered a lot because the delinquent employee and his family had to survive only on suspension allowance for a long period of 9 years.

Thus, in order to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee, the Hon'ble Supreme Court has observed that every employee (State or private) must make sincere endeavor to conclude the departmental inquiry 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 it within the reasonably extended period depending upon the cause and the nature of inquiry, but not more than a year.

23. In the instant matter we have already reproduced hereinabove the various factors indicating specifically the delay is attributable to the applicant to considerable extent and it was beyond the control of the department to conclude the departmental enquiry within a reasonable time or within the reasonable extended period.

24. In the case of **State of Madhya Pradesh & Anr. Vs. Akhilesh Jha & Anr.** (cited supra) on 08.06.2016 the departmental enquiry was convened against the first respondent

and a charge-sheet was issued. The first respondent submitted his reply to the charge-sheet on 07.06.2016, denying the allegations levelled against him. Soon thereafter, he approached the Central Administrative Tribunal, Jabalpur for challenging the charge-sheet, which was served on him. The Tribunal, by its order dated 28.07.2016 declined to interfere with the charge-sheet, but granted an opportunity to the first respondent to initiate appropriate proceedings, if a decision adverse to him was taken on the basis of the reply to the charge-sheet. The first respondent once again moved the Tribunal for challenging the charge-sheet dated 08.06.2016 on the ground that no decision had been taken following his reply to the charge-sheet and that as a result of the pendency of the disciplinary proceedings, his deputation and promotional avenues have been adversely affected. In paragraph no. 13 of the said judgment the Hon'ble Supreme Court has made the following observations:-

“13. On the basis of the above material which has been placed on the record, it was impossible to come to the conclusion that the charge against the first respondent is vague or ambiguous. The charge-sheet, together with the statement of imputations, contains a detailed elaboration of the allegations against the first respondent and does not leave the recipient in a measure of doubt or ambiguity over the nature of the case he is required to

answer in the disciplinary enquiry. The finding that the charge is vague is palpably in error. The Tribunal declined to quash the charge-sheet by its initial order dated 28 July 2016. However, by a subsequent order dated 5 January 2018, it proceeded to do exactly what it had declined to do by its previous order. The Tribunal purportedly did so on the basis that prejudice had been caused to the first respondent by the denial of an opportunity for deputation or for promotion as a result of the pendency of the proceedings. The line of reasoning which weighed with the Tribunal is plainly erroneous. The Tribunal would have been justified in directing the expeditious conclusion of the enquiry, but instead, it proceeded to quash the enquiry in its entirety. This, in our view, was clearly impermissible. Every delay in conducting a disciplinary enquiry does not, ipso facto, lead to the enquiry being vitiated. Whether prejudice is caused to the officer who is being enquired into is a matter which has to be decided on the basis of the circumstances of each case. Prejudice must be demonstrated to have been caused and cannot be a matter of surmise. Apart from submitting that the first respondent was unable to proceed on deputation or to seek promotion, there is no basis on which it could be concluded that his right to defend himself stands prejudicially affected by a delay of two years in concluding the enquiry. The High Court, therefore, in our view, has clearly failed to properly exercise the jurisdiction vested in it by simply affirming the judgment of the Tribunal. The judgment of the Tribunal suffered from basic errors which go to the root of the matter and which have been ignored both by the Tribunal as well as by the High Court”

25. In the instant case, the applicant has not pleaded and demonstrated the circumstances, which has caused grave prejudice to him due to delay in concluding the departmental

proceedings. On making query with the learned counsel for the applicant, the learned counsel has fairly accepted and admitted that there is no pleading in the present O.A. to that effect. The retirement of the applicant is far away after nearing about 11 years as on today. The Original Application is silent as to whether the applicant has lost his promotional chances due to pendency of the departmental enquiry. There is nothing on record to indicate that the right of the applicant to defend himself came to be prejudicially affected by delay in concluding the departmental enquiry.

26. Thus, in the peculiar circumstances of the case we are of the considered opinion that it would be just and appropriate to direct the respondent no. 03 to conclude the pending departmental enquiry against the applicant in a time bound manner instead of quashing and setting aside the disciplinary proceedings pending against the applicant, when the charges are grave in nature touching the question of maintaining the discipline of the Prison and also for the reason that to some extent the reasons for delay are also attributable to the applicant. Hence, the following order:-

ORDER

- (i) The Original Application No. 208/2023 is hereby partly allowed.

(ii) The respondent no. 03 is hereby directed to conclude the pending departmental enquiry against the applicant within the period of 03 months from the date of this order.

(iii) The applicant shall co-operate the respondent no. 03 in conducting the departmental enquiry and conclusion thereof within the said period of 03 months.

(iv) It is needless to say that the applicant would be at liberty to file the departmental appeal, if any adverse order is passed against him at the conclusion of the departmental enquiry and also further course of action in case his departmental appeal fails.

(v) In view of above, pending M.A. No. 281/2024 filed by the State authorities for vacating interim relief granted by this Tribunal vide order dated 18.04.2023 passed in O.A. No. 208/2023 stands disposed of.

(vi) In the circumstances, there shall be no order as to costs.

(vii) The Original Application is accordingly disposed of in terms of the aforesaid order.

MEMBER (A)

VICE CHAIRMAN

Place : Aurangabad

Date : 19.12.2024