

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.927/2021 (D.B.)

Smt. Archana Rajvilas Chandrikapure,
Aged about 44 years, Occupation Service,
R/o Mangali, Post Khapa,
Tahsil Tumsar, District Bhandara.

... **APPLICANT**

// V E R S U S //

- 1] The State of Maharashtra,
Through its Secretary,
Finance Department,
Mantralaya, Mumbai-32.
- 2] The Joint Director of Accounts &
Treasuries, Nagpur Division,
Collectorate Compound, "Lekha Kosh Bhavan",
Civil Lines, Nagpur.
- 3] The District Treasury Officer,
Gondia, Tahsil & District Gondia.
- 4] The Director,
Accounts & Treasuries, M.S.,
Thakarsi House, Mumbai Port Trust,
3rd Floor, J.N.Hardiya Marg. Bellard Estate,
Mumbai-400 001.

... **RESPONDENTS**

**Shri D.M. Kakani & G.K. Bhusari, learned Advocates
for the Applicant.**

Shri M.I. Khan, learned P.O. for Respondents.

**Coram :- Hon'ble Shri Justice Vinay Joshi,
Member (J) and
Hon'ble Shri Nitin Gadre,
Member (A).**

Dated :- 28/01/2025.

J U D G M E N T

Heard Shri D.M. Kakani, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

2. The Applicant was appointed as a Junior Clerk on compassionate ground and posted at Sub-Treasury Office, Deori, District Gondia. The appointment letter contains a condition that the candidate has to submit the certificate of passing English and Marathi Typewriting Test with requisite speed, within the period of 6 months. Because of non-submission of requisite typing certificate within the stipulated period, her increment was withheld from 01/07/2009 onwards. It was followed by initiating departmental enquiry of which memorandum dated 07/05/2016 was issued alongwith the annexures. The said enquiry was initiated by Treasury Officer vide order dated 28/06/2016 of which the enquiry report was submitted by the then concerned

Enquiry Officer. The enquiry report was placed before Treasury Officer being superior who has assessed the same and affirmed the findings of exoneration vide order dated 03/03/2017.

3. Later on, again Joint Director of Accounts and Treasuries has passed an order dated 18/09/2018 initiating fresh enquiry by exercising powers under Rule 7.3 of the Maharashtra Departmental Inquiry Manual, 1991. In turn, Enquiry Officer has submitted his report on 13/05/2019 holding applicant guilty for all the charges. At this stage, we may refer that the charge in the first and second enquiry was *inter-alia* similar of producing forged and fabricated Typing certificate. The said Enquiry Report was served on applicant by issuance of show-cause notices dated 07/05/2016 and 17/05/2016. The Appointing Authority i.e. Joint Director of Accounts & Treasuries, vide his order dated 22/02/2021 has imposed punishment of reduction in rank which is the subject matter of challenge.

4. Being aggrieved by the punishment imposed by Joint Director of Accounts & Treasuries, the applicant has preferred an Appeal dated 23/03/2021 to the Directorate, Accounts and

Treasury for re-adjudication. However, it is noticed that instead of deciding Appeal on merits, the Directorate treated it to be a Revision and without going into the merits rejected the same by stating that there is no necessity to take a review. In fact, it is a statutory right of file First Appeal which the applicant has exercised. The Authority ought to have decided the same on merits, which exercise needs to be carried. In view of above, we proceed to pass the following order:-

O R D E R

- i. We hereby quash and set aside the order dated 10/08/1921 passed by the Director, Accounts and Treasuries and remit the matter back to the Appellate Authority to decide the appeal afresh after hearing both sides.
- ii. The said exercise shall be completed within the period of three months from today.
- iii. All contentions raised in this application are kept open with liberty to approach the Tribunal, if occasion arises so.

iv. O.A. stands disposed in above consent.

v. No order as to costs.

Member (A).

Member (J).

Dated :-28/01/2025.

PRM

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Member (A)
& Member (J).

Judgment signed on : 28/01/2025