

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.986/2022(D.B.)

Arjun Jagannath Badade,
Aged 59 years, Occ. Service,
R/o Gadchiroli.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Department of Revenue,
Mantralaya, Mumbai.
- 2) Inspector General of Registration
And Controller of Stamp, Ground Floor,
New Administrative Building,
Bund Garden Road, Opposite Vidhan Bhavan,
Agarkar Nagar, Pune.

Respondents.

Shri R.V.Shiralkar & Shri V.Dongre, Id. Counsel for the applicant.
Shri V.A.Kulkarni, Id. P.O. for the respondents.

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

Dated:- 20th February, 2025.

JUDGMENT

Heard Shri R.V.Shiralkar & Shri V.Dongre, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the respondents. Heard finally with the consent of both parties.

2. The applicant was appointed on the post of Junior Clerk and promoted on the post of Senior Clerk. While applicant was working as Senior Clerk, additional charge of the post of Deputy Registrar was assigned to him and posted as Joined Sub-Registrar, Haveli no.2, Pune District. The applicant was suspended and was served with a charge sheet. The applicant has questioned the sustainability of charge sheet by this Original Application *inter alia* alleging that he was violated the provisions of Rule 44(1)(i) of The Maharashtra Registration Rules, 1961.

3. Learned counsel for the applicant submits that validity of Rule 44(1)(i) of The Maharashtra Registration Rules, 1961 was subject matter of challenge in W.P.No.2111/2022 **(Govind Solapure Vs. State of Maharashtra)** before the Hon'ble Bombay High Court, Bench at Aurangabad. It was canvassed before the Hon'ble High Court that said rule is contrary to the provision of Sections 34 and 35 of the Registration Act, 1908. Hence, it will not sustain in the eyes of law. After considering the entire aspects, the Hon'ble High Court has read

down rule 44(1)(i) of the Rules, 1961 and declared that the same would not be applicable. The Registering Authority is not required to insist for the compliance of the condition imposed under rule 44(1)(i) of the Rules, 1961 . In the wake of said declaration of law, enquiry based on non-compliance of the rule 44(1)(i) of the Rules, 1961 would not sustain. In view of that original application is allowed. We hereby quash and set aside the charge-sheet dated 20.10.2021 issued against the applicant for non-compliance of the rule 44(1)(i) of the Rules, 1961.

4. The learned P.O. fairly conceded that the charge for committing breach of Rule 44(1)(i) of the Rules, 1961 would not sustain in view of the decision of the Hon'ble High Court, however, he would submit that there is one other additional charge (charge no.3) pertaining to under valuation of eight documents and thereby causing lost to the Government Revenue. We are quite satisfied that the said charge is distinct which has no connection with breach of the Rule 44(1)(i) of the Rules, 1961. In the circumstances, the charges as regards to breach of the provisions of Rule 44(1)(i) of the Rules, 1961 would not sustain. Thus, the O.A. needs to be partly allowed.

5. **In view of above, Original Application is partly allowed.** The impugned charge sheet to the extent of breach / non-

compliance of Rule 44(1)(i) of The Maharashtra Registration Rules, 1961 i.e. charge nos.1 and 2 is hereby quashed and set aside.

The Department is at liberty to proceed as regard to charge no.3 pertaining to under valuation of documents and the loss of Government Revenue. Hence, the O.A. is disposed of with no order as to costs.

(Nitin Gadre)
Member(A)

(Justice Vinay Joshi)
Member (J)

Dated – 20/02/2025
rsm.

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

Name of Steno : Raksha Shashikant Mankawde.

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

Judgment signed on : 20/02/2025.

and pronounced on