

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NO. 969/2022 (D.B.)**

Sukhdev Rupaji Damodhar,  
Aged about 64 years,  
Occupation: Retired,  
R/o Santa Colony No. 4,  
Near Water Tank, Tah: Khamgaon,  
District: Buldhana. 444303.

....**Applicant**

**Versus**

1. The State of Maharashtra,  
through its Secretary,  
Department of Agriculture,  
Animal Husbandry & Dairy  
Development, Mantralaya,  
Mumbai- 32.
2. The Commissioner of Agriculture,  
M.S., Central Building, Pune.
3. The Regional Joint Director  
of Agriculture, Amravati Region,  
Amravati.

...**Respondents**

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**Shri. G.K. Bhusari, Advocate for the Applicant.**

**Shri M.I. Khan, P.O. for the respondents.**

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

**Dated :- 26.03.2025.**

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### **JUDGEMENT**

Heard, Shri G.K. Bhusari, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

2. The applicant was serving in the respondent Department from year 1983. The applicant was served with charge sheet dated 22.07.2011 alleging failure to ensure proper extension of benefits like agricultural implements tools, bullock, and Bullock cart, manure etc. under package to economically weaker agriculturist in the Vidarbha Region. Beside other grounds applicant seek to quash charge sheet essentially on the ground of unexplained inordinate delay.

3. The learned counsel for the applicant would submit that the charge sheet was issued against in all 43 employees. Out of them some of the co-employees namely Ramesh Godmare, Dilip Wandile, Devendra Gawai, Shukleshwar Pendbhaje have approach to the Tribunal for quashing the charge sheet by relying

on the legal position as laid down by The Hon'ble Supreme Court in Case of **Premnath Bail vs Registrar High Court of Delhi and another AIR 2016 SCC 101.** Having regard to factual and legal position, the Tribunal has quashed charge sheet against those employee, obviously on the ground of inordinate delay. It is brought to our notice that few of them i.e. common decision in the case of Ramesh Godmare and Dilip Wandile was challenge by the State in Writ Petition No. 4434/2023 wherein the Hon'ble High Court has affirmed the view expressed by Tribunal by additionally coating some more presidents. In the wake of such position the applicant also seeks to quash the charge sheet for the same reason.

4. The learned P.O. do not dispute the factual aspect however, it is submitted that it is under consideration of Government whether decision rendered in Writ Petition No. 4434/2023 in case of Wandile and Godmare is to be challenged before the Hon'ble Supreme Court. So also Government is intending to challenge the decision rendered in case of Gavai and Pendbhaje.

5. We have gone through the record and proceedings. Undisputedly charge sheet has been issued in the year 2011 which is surprisingly pending till date. After waiting for long period of 10 years, the applicant has questioned the pendency of enquiry by way of this O.A. in the year 2022. Having regard to the decision of the Hon'ble Supreme Court in **Premnath Bali (Supra)** the Tribunal has quash and set aside the same charge sheet against co-employees. While testing the said decision in Writ Petition 4434/2023, the Hon'ble High Court has relied on the decision in case of **P.V. Mahadevan Vs. Md. T.N. Housing Board 2005 (6) SCC 636** while arriving on the same conclusion. The Hon'ble High Court has also distinguished the decision cited by the State in case of **State of M.P. and another Vs. Akhilesh Zha and another.** Ultimately considering legal position the Hon'ble High Court has declined to interfere into the decision of Tribunal. In the wake of above position there is no gainsaying to desist from adopting the same view only on the assurance to challenge the decision before higher forum.

6. In conclusion for the same reasons i.e. inordinate delay in concluding departmental enquiry by applying the law

laid down by the Hon'ble Supreme Court in the case of **Premnath Bali Vs. Registrar High Court of Delhi and another.**

the application deserved to be allowed. In the circumstance following order:-

### **ORDER**

1. The application is **allowed**.
2. Departmental enquiry proceeding against the applicant under charge sheet dated 22.07.2011 is hereby quash and set aside.
3. Respondents are directed to grant all consequential benefits to the applicant as permissible under the law within a period of three months from date of uploading of this order.

**Member (A)**  
kds.

**Member (J)**

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

Name of Steno : Krushna Dilip Singadkar

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

Judgment signed on : 26/03/2025