

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.721/2019**

**DISTRICT:- BEED**

-----  
Bhagwan Wamanrao Landge,  
Age : 68 years, Occ. Retired,  
R/o. Jawahar Colony, Aurangabad.

**...APPLICANT**

**V E R S U S**

1. The State of Maharashtra,  
Through : Secretary,  
Revenue & Forest Department,  
Mantralaya, Mumbai 32.
2. The Collector,  
Dist. Beed.

**...RESPONDENTS**

-----  
APPEARANCE : Shri Kakasaheb B. Jadhav, Counsel  
for the Applicant.  
: Shri V.G.Pingle, Presenting Officer  
for the respondents.

-----  
**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN  
AND  
SHRI VINAY KARGAONKAR, MEMBER (A)**

-----  
**Decided on: 05-04-2024**

-----  
**O R A L O R D E R**

1. Heard Shri Kakasaheb B. Jadhav, learned  
Counsel for the Applicant and Shri V.G.Pingle, learned  
Presenting Officer for the respondent authorities.

2. Present applicant retired from the  
Government service on attaining the age of  
superannuation on 30-06-2008. At the time of his

retirement, applicant was serving on the post of Additional Collector. After his retirement on 20-08-2008 one notice was issued to the applicant indicating that departmental enquiry is being initiated against him. It is the grievance of the applicant that till filing of the present O.A. and till date the so-called departmental enquiry contemplated against the applicant has not even been commenced. It is the contention of the applicant that he has not been served with any statement of charge or any other document. It is further contention of the applicant that on the pretext of pendency of departmental enquiry he has not yet been paid the amount of gratuity as well as certain retiral benefits though some of the retiral benefits are released in his favour.

3. Learned Counsel for the applicant submitted that in the year 2006, a criminal case was registered against the applicant for the offences punishable under section 120-B, 406, 409, 465 & 471 of the Indian Penal Code. However, applicant got acquitted from the said criminal case on 26-04-2012. Learned Counsel submitted that the Government had preferred Appeal against the said decision and the learned Additional Sessions Judge has dismissed the said Criminal Appeal No.131/2014 on 19-03-

2019. Learned Counsel submitted that after 19-03-2019, there was absolutely no reason for the respondents not to release all the pensionary benefits and the proposal for regular pension payable to the applicant must have been forwarded by the respondents to the A.G. Office. Learned Counsel submitted that, however, only on the pretext that the departmental enquiry is pending against the applicant neither the retiral benefits are paid nor regular pension is being paid to the applicant. Learned Counsel in the circumstances prayed that the enquiry proceedings, if any, initiated against the applicant be dropped and respondents be directed to release all retiral benefits in favour of the applicant.

4. Respondents have filed their affidavit in reply and the only ground taken against the applicant is that departmental enquiry is pending against him. However, respondents have not placed on record any document pertaining to the said enquiry. In view of the averments taken in the affidavit in reply that the departmental enquiry is pending against the applicant, the respondents were directed to file a short affidavit providing information as about the status of the said departmental enquiry. Accordingly, a short affidavit came to be filed. However, in

the said affidavit also there is only contention that matter is pending at the Government level.

5. This Tribunal after having noticed that, in the affidavit in reply though it is contended by the respondents that departmental enquiry is pending against the applicant, no document in that regard has been filed on record. Respondents were directed to file a short affidavit specifying therein at what stage the enquiry is pending against the applicant. Accordingly, a short affidavit is filed, however, in that affidavit, contention of the respondents is that the matter is pending at the Government level. Except making such statement nothing more has been placed on record. Learned PO submitted that documents pertaining to the enquiry against the applicant got destroyed in an incidence of fire which had occurred in the Mantralaya building in the year 2012.

6. From the above facts and circumstances of the case, the fact which has come on record is that no progress has taken place in the departmental enquiry if at all it would have been initiated. The respondents have not disputed that the applicant got retired on attaining the age of superannuation on 30-06-2008. It is also not disputed

that the notice of contemplated departmental enquiry against the applicant was served upon him after his retirement on 20-08-2008. Since 2008 till 2024 nothing has happened in the departmental enquiry against the applicant. Respondents have utterly failed in substantiating their case as to whether the departmental enquiry is really initiated against the applicant or not. Respondents have also not disputed that the amount of gratuity has not been paid to the applicant and all the pensionary benefits are not yet paid to him.

7. Considering the facts as aforesaid, the prayers made by the applicant deserve to be granted. If at all any enquiry proceeding is initiated or pending against the applicant, the same now cannot be permitted to be continued further and deserves to be dropped. In the result, following order is passed:

*ORDER*

- (i) If at all any enquiry would have been initiated against the applicant on the basis of notice dated 20-08-2008, the same shall be deemed to have been dropped.

(ii) Applicant shall be paid all the retiral benefits which have not yet been paid to him within a period of 4 months from the date of this order.

(iii) The Original Application stands allowed in the aforesaid terms without any order as to costs.

**(VINAY KARGAONKAR)**  
**MEMBER (A)**

**(P.R.BORA)**  
**VICE CHAIRMAN**

**Place : Aurangabad**  
**Date : 05-04-2024.**