

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.838 of 2021 (D.B.)**

Rahul S/o Dagadu Manwar,  
Aged about 43 years, Occu.:- Service,  
R/o Rambhaji Nagar, Plot No. 103,  
Near Rupnar Mangal Karyalaya (Adiwasi Hostel),  
Yavatmal – 445 001. Mobile:-9359163970.

**Applicant.**

**Versus**

- 1) State of Maharashtra through Secretary,  
Deptt. of Agriculture, Mantralaya, Mumbai - 32  
E-mail Id :- [acs.agri@maharashtra.gov.in](mailto:acs.agri@maharashtra.gov.in)
- 2) Commissioner of Agriculture,  
Agricultural Commissionate,  
Central Building, in front of Sasoon Hospital, Pune-1.  
E-mail Id :- [commagricell@gmail.com](mailto:commagricell@gmail.com)
- 3) Shri Sudhir Nanaware,  
Aged about 56 years, Occu.: Joint Director Agriculture  
(Establishment) Agriculture Commissionerate,  
Maharashtra State Sakhar Sankul, Shivaji Nagar, Pune-5  
E-mail Id:- [nanawaresudhir66@gmail.com](mailto:nanawaresudhir66@gmail.com)
- 4) Shri Shankar Maroti Totawar  
Aged about 54 years, Occu.: Agricultural Joint Director,  
Amravati, Amravati Division, Amravati, Krushak Bhawan,  
University Road, Amravati - 444602  
E-mail Id :- [jdaamravati11@gmail.com](mailto:jdaamravati11@gmail.com)
- 5) Shri Navnath Murlidhar Kolapkar,  
Aged about 55 years, Occu: District Superintendent Agricultural  
Officer, Yavatmal Garden Road, LIC Chowk,  
District Yavatmal-445001.  
E-mail Id :- [dsaoytl@gmail.com](mailto:dsaoytl@gmail.com)
- 6) Shri Ramesh S/o Devidas Pimpalkhede,  
Aged about 54 years, Occu: Deputy Director cum Accounts Officer,  
office at District Superintendent Agricultural Office, Yavatmal,  
Garden Road, LIC Chowk, Yavatmal-445001  
E-mail Id:- [dsaoytl@gmail.com](mailto:dsaoytl@gmail.com)

- 7) Shri. Kailash S/o Kisan Chavan,  
Aged about 56 years, Occu: District Soil Survey and  
Soil Testing Officer, office at Joint Director Agricultural Office,  
Amravati Division, Amravati, Vidyapeeth Road,  
Krushi Bhawan Area, Amravati - 444602  
E-mail Id :- [jdaamravati11@gmail.com](mailto:jdaamravati11@gmail.com)
- 8) Shri Shiva Babusing Jadhav  
Aged about 36 years, Occu: District Soil Survey and Soil Testing  
Officer, office at Garden Road, LIC Chowk, Yavatmal-445001  
E-mail Id :- [soilyeotmal@gmail.com](mailto:soilyeotmal@gmail.com)
- 9) Ku. Anju D/o Nagorao Pawade,  
Aged about 40 years, Occu: Agricultural Assistant (Chemical store-  
incharge and Incharge Agricultural Supervisor), office at District Soil  
Survey and Soil Testing office, Garden Road, LIC Chowk,  
Yavatmal-445001.  
E-mail ID :- [soilyeotmal@gmail.com](mailto:soilyeotmal@gmail.com)
- 10) Ku. Hema D/o Manvendra Niwal,  
Aged about 38 Years, Occu. Senior Clerk, Account Division,  
office at District Soil Survey and Soil Testing office,  
Garden Road, LIC Chowk, Yavatmal - 445001  
E-mail ID :- [soilyeotmal@gmail.com](mailto:soilyeotmal@gmail.com)
- 11) Vigilance Committee  
District Superintendent Agricultural Officer,  
Krushi Ayuktalaya, Sakhar Sankul, Maharashtra State, Pune-5  
E-mail: [agrivig.pune@agri.maharashtra.gov.in](mailto:agrivig.pune@agri.maharashtra.gov.in)

**Respondents.**

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**Smt. S.W. Deshpande, Shri A.P. Khadatkar, Advs. for the  
applicant.**

**Shri S.A. Sainis, learned P.O. for respondent nos.1 to 4 and 11.  
S/Shri D.H., P.D. Sharma, A.P. Gujar, Ms.A.A. Pande, Ms. S.V.  
Kulkarni, Advs. for respondent nos.5 to 10.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar, Vice Chairman  
and  
Hon'ble Shri Nitin Gadre, Member (A).**

**Dated :- 11/11/2024.**

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## **J U D G M E N T**

Heard Smt. S.W. Deshpande, learned counsel for the applicant, Shri S.A. Sainis, learned P.O. for respondent nos.1 to 4 and 11 and Ms. A.A. Pande, learned counsel for respondent nos. 5 to 10.

2. The case of the applicant in short is as under –

The applicant was appointed on the post of Agricultural Assistant (Krushi Sewak) on 23/08/2004. He was promoted as Agricultural Supervisor at Taluka Agricultural Office, Yavatmal on 11/07/2011. The Central Government in collaboration with the State Government floated a scheme under the name and style “Soil Health Card”, for the benefits and betterment of the farmers at large. The Central Government’s share in this scheme was 60% and the State Government’s share was 40%. In the District Soil Survey and Soil Testing Laboratory, it was necessary to appoint a person / employee having a degree of B.Sc. Agriculture, yet for want of required qualified persons, employees who do not have the degree of B.Sc., Agriculture are appointed. One Ku. Komal Vasantrao Sarde, Shri Chandu Govindrao Moon, Pravin Prakash Punnalwar, Ramesh Shankarrao Nimje, Ku. Rupali Vitthalrao Patbhaje and respondent no.7 were having Agricultural Diploma only and not the degree, yet they were appointed as Agricultural Assistant in Soil Testing Laboratory. This has resulted in improper soil testing of the local farmers at Yavatmal.

3. On 27/05/2016, respondent no.2, Commissioner informed respondent no.3 to appoint in the testing laboratory only those having graduation and post-graduation persons only. On 17/06/2016, then District Soil Survey and Soil Testing Officer namely Shri C.C. Manwar informed the Divisional Joint Director Agriculture, Amravati to fill up the vacant post. On 24/07/2019 the Lab Assistants collectively informed the District Soil Survey and Soil Testing Officer, Yavatmal that some of the machineries for soil testing are not functioning which needs to be repaired. The applicant requested for deputation in the Taluka Agricultural Office, Yavatmal from the District Soil Survey and Soil Testing Officer, Yavatmal, as per his representation dated 20/09/2019. On 30/09/2019, the District Soil Survey and Soil Testing Officer, Yavatmal rejected the representation of the applicant for deputation. On 7/12/2019 charge sheet was issued by Divisional Joint Director against respondent no.4, Shankar Totawar. On 10/12/2019, Director of Agriculture, Pune informed all District Superintendent Agricultural Officers regarding disbursement of second instalment regarding Soil Health Card Scheme 2019-2020. The District Soil Survey and Soil Testing Officer, Yavatmal relieved the applicant. A complaint from social worker in connection with Soil Health Card Scheme was received on 29/6/2020. The Store Clerk made a complaint with District Superintendent Agricultural Officer on

12/8/2020 alleging that Anju Pawade, respondent no.9 has kept the extra chemicals in the meter room, which is illegal due to likelihood of blast and that too without permission. The FIR was lodged against one Kailash Chavhan, respondent no.7 for the offence under Sections 420,409,408,406 and 34 of IPC for misappropriation.

4. The respondent authorities without any fault on the part of the applicant suspended him vide order dated 30/04/2021. Thereafter, he was reinstated vide order dated 17/08/2021. Because of the suspension, the applicant has lost his seniority and also one increment. The applicant is also transferred and posted at Dharni, District Amravati as a punishment. Hence, the applicant has approached to this Tribunal for the following reliefs –

*“(7) (i) direct the respondent no. 4 to grant seniority to the applicant as seniority list is prepared during his suspension period and since the suspension is revoked the applicant is entitled for the seniority;*

*(ii) direct the respondent no. 4 to grant increment to the applicant as the increment is allotted during the period in which the applicant was suspended and since the suspension is revoked the applicant is entitled for the increment;*

*(iii) direct the respondent no. 4 to issue order of posting to the applicant to Yavatmal from Dharni District Amravati, as the same amounts to punishment and since the suspension is revoked the applicant is entitled to be posted to his original post at Yavatmal;*

*(iv) direct the respondent no. 4 to take appropriate steps against the respondent no. 8 Shiva Jadhav as he is responsible for not sending*

*the service book and Last Payment Certificate (LPC) of the applicant at Umarkhed Office, District – Yavatmal;*

*(iv-a) direct the respondents to pay the unpaid salary to the applicant with interest in light of G.R. dated 22/11/1994, at annexure A-48, at page no. 398 to 402;*

*(iv-b) direct the respondents to reset the password of Sewarth Id of the applicant, in the interest of justice;*

*(8) (i) direct the respondent no. 4 to allow the applicant to join on the vacant post at Yavatmal on its last posting;*

*(ii) grant ad-interim relief in terms of prayer clause-i;*

*(iii) direct the respondent no. 4 to release the 50% salary which was withhold during the suspension period. i.e. 30.04.2021 to 17.08.2021, with 9% interest forthwith or till its realization.”*

5. The O.A. is strongly opposed by the respondents / authorities. Respondent no.2 has filed reply and submitted that the applicant has committed misconduct. He has not joined duty at Dharni, therefore, he is not entitled for salary ---- etc.

6. The reply of respondent nos. 5 to 10 is filed on record. It is submitted that respondent no.8 is wrongly held responsible.

7. Heard learned counsel for the applicant Smt. S.W. Deshpande. During the course of submission she has pointed out the report of Inquiry Officer / Inquiry Committee. As per her submission, the applicant was not responsible for any misconduct. He was wrongly charge sheeted. One Shri C.C. Manwar might have been responsible,

but the applicant was wrongly suspended and he was charge sheeted by the respondent authorities.

8. The learned counsel for applicant has pointed out material portion of the inquiry report and submitted that without any fault on the part of the applicant, he is wrongly suspended. He was transferred to Dharni by way of punishment. The applicant has lost seniority. The applicant has also lost one increment and some part of salary etc. during the suspension period.

9. Heard learned P.O. Shri S.A. Sainis. As per his submission the applicant has not joined duty at Dharni and therefore he was not paid salary.

10. It is clear from the report of inquiry that the applicant was not responsible for any of the fault / misconduct. The material portion of the inquiry report is reproduced below –

“प्र.क्र. ६ दक्षता पथक यांचा तपासणी अहवाल सन २०१५ ते २०१९ या कालावधीचा आहे सदर कालावधीतील जमीन आरोग्य पत्रीका तपासणी ची १ ली सायकल व २ री सायकल दिनांक १७.०५.२०१९ रोजी पुर्ण झाल्याने व अपचारी मनवर सदर कार्यालयात दिनांक ०१.०६.२०१९ रोजी रुजू झाल्याने सदर प्रक्रीयामध्ये त्यांचा सहभाग कशाच्या आधारे होता?

उत्तर:- अपचारी श्री. मनवर यांना दक्षतापथकाने वैयक्तीक रित्या कोठेही जबाबदार धरलेले नाही. उलट श्री. मनवर यांनी या कार्यालयात चाललेला गैरव्यवहार उघड करून देण्यात मदत केलेली आहे. त्यामुळे नियुक्ती प्राधिका-यांने दोषारोपात इतराप्रमाणे अपचारी धरलेले दिसून येते. कदाचीत चौकशी वेळी असलेले मृद सर्वेश व चाचणी अधिकारी श्री. शिवा जाधव यांनी दिलेल्या माहितीवरून अहवालातील पान क्रमांक २६ वर श्री. सि.सि. मनवर यांचा कालावधी दिनांक २७.०२.२०१५ ते ३१.०७.२०१६ हा कालावधी दिला असल्याने ते हेच मनवर आहेत असे समजून दोषारोप तयार करणा-या अधिका-यांने श्री. आर. डी. मनवर यांचे नाव घातल्याचे शक्यता आहे.

प्र. ७ अपचारी श्री. मनवर यांचा कार्यकाळ पाहता त्यांचेवर लावलेले दोन्ही आरोप चुकीचे लावलेले आहेत यामुळे आपण सहमत आहात काय?

उत्तर:- सहमत आहे.

उलट तपासणी पूर्ण.

वाचून दाखविले, बरोबर आहे व आम्ही मान्य केले.”

11. Above report was submitted by the Inquiry Committee. It is clear from the report that one Shri C.C. Manwar might have been responsible. The applicant was not responsible. It was also clearly held that the applicant was wrongly charge sheeted. It was the duty of the disciplinary authority to verify who is the real culprit. This is against the principle of natural justice. The applicant had not done any wrong. Even though he was suspended. He was transferred by way of punishment from Yavatmal to Dharni. The report of Inquiry Committee clearly shows that the applicant had demonstrated the misconduct committed by others. He has informed the disciplinary authority about the misdeeds committed in the office. Instead of punishing the real person / culprit, the applicant is held responsible. He was wrongly suspended. He was transferred by way of punishment from Yavatmal to Dharni, District Amravati.

12. It is clear from the report that the action of the respondent authorities is totally illegal / wrong. Before initiating the departmental inquiry, it is for the disciplinary authority to verify who is the real culprit for committing misconduct. The report clearly shows that the applicant



has informed about misdeeds in the office to the superiors. Instead of giving reward to him, he was wrongly suspended and by way of punishment transferred to Dharni, Dist. Amravati from Dist. Yavatmal. Hence, the action of the respondent authorities is prima facie illegal. Therefore, we proceed to pass the following order –

**ORDER**

- (i) The O.A. is allowed as prayed.
- (ii) Respondent no.4 is directed to grant seniority to the applicant during the suspension period, if he was entitled for the same.
- (iii) Respondent no.4 is directed to grant increment to the applicant, if he was entitled for the same.
- (iv) Respondent no.4 is directed to immediately transfer the applicant to Yavatmal District if a suitable vacant post is available or as soon as a vacancy is created in the district.
- (v) Respondent authorities are directed to pay unpaid salary of the suspension period along with interest, as per rules.
- (vi) No order as to costs.

**(Nitin Gadre)**  
**Member(A).**

**(Justice M.G.Giratkar)**  
**Vice Chairman.**

**Dated** :- 11/11/2024.

dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman and  
Member (A).

Judgment signed on : 11/11/2024.