

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 440, 441, 442, 443, 444, 445,
446, 447, 448, 449, 450, 451, 452, 453, 454 and 455 OF 2023**

DISTRICT : PUNE

1. O.A. No. 440/2023

Mr. Anil Vasant Kanake)
Working as Sr. Clerk at Health Care Leprosy)
Sangli 416 416)
Residing at Palasdeo, Talukar – Indapur,)
District Pune 413 132)...**Applicant**

Versus

- 1) The State of Maharashtra,)
Through Addl. Chief Secretary)
Public Health Department,)
New Mantralaya, G.T. Hospital Campus,)
10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services,)
Kolhapur Circle, New Admn. Bldg.)
2nd floor, Kasba Bawda, Kolhapur 416 006)
- 3) Assistant Director,)
District Leprosy Office, Sangli 416 416)...**Respondents**

With

2. O.A. No. 441/2023

Mr. Jagan Pandurang Dinkar,)
Working as Jr. Clerk (Susp), Headquarter- Rural)
Hospital, Poladpur, Residing at : Shivner,)
Po Dhasai, Taluka Shahpur,)
District Thane 421 601)...**Applicant**

Versus

- 1) The State of Maharashtra,)
Through Addl. Chief Secretary)

- Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services,)
 Mumbai Division, Thane, Regional Metal)
 Hospital, Thane West, Thane 400 604)
 Kasba Bawda, Kolhapur, 416 006)
- 3) District Civil Surgeon,)
 General Hospital, Thane (W),)
 Thane 400 604)...**Respondents**

With

3. O.A. No. 442/2023

Mr. Shahaji Dnyanoba Bandgar)
 Working as Assistant Superintendent at Civil)
 Surgeon Office. C.D.R. Hospital Kolhapur)
 Residing at Sainath Colony, Kasba Bawds,)
 Kolhapur 416 002) ...**Applicant**

Versus

- 1) The State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services,)
 Kolhapur Circle, New Admn. Bldg,)
 2nd floor, Kasba Bawda, Kolhapur 416 006)
- 3) District Civil Surgeon,)
 Kolhapur, Kolhapur 416 003)...**Respondents**

With

4. O.A. No. 443/2023

Mr. Amol Bahiru Barade,)
 Working as Sr. Clerk, Sub District Hospital,)
 Kavathemahankal, District : Sangli 416 405)...**Applicant**

Versus

- 1) The State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services,)
 Kolhapur Circle, New Admn. Bldg,)
 2nd floor, Kasba Bawda, Kolhapur 416 006)
- 3) Medical Superintendent, Sub District)
 Hospital, Kavathemahankal,)
 Sangli 416 405)...**Respondents**

With

5. O.A. No. 444/2023

Mr. Sadek Akbar Shaikh)
 Working as Sr. Clerk at District Public Health)
 Care Laboratory, Kolhapur Pin 415 002)
 Residing at Pargaon, Taluka Ichalkaranji,)
 District Kolhapur 415 002)...**Applicant**

Versus

- 1) The State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services,)
 Kolhapur Circle, New Admn. Bldg,)
 2nd floor, Kasba Bawda, Kolhapur 416 006)...**Respondents**

With

6. O.A. No. 445/2023

Mr. Gaurav Vilas Bhosale,)
 Working as Sr. Clerk in the office of Civil Surgeon)
 Kolhapur, Residing at 158/1, Plot No.2,)
 Morya Colony, Amrut Nagar, Pachgaon Girgaon)
 Road, Pachgaon, Kolhapur 416 013)...**Applicant**

Versus

- 1) The State of Maharashtra,)
Through Addl. Chief Secretary)
Public Health Department,)
New Mantralaya, G.T. Hospital Campus,)
10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services,)
Kolhapur Circle, New Admn. Bldg,)
2nd floor, Kasba Bawda, Kolhapur 416 006)
- 3) District Civil Surgeon,)
Kolhapur Division, Health Department)
Kolhapur 416 006)...**Respondents**

With

6. O.A. No. 446/2023

Mr. Dipali Prakash Zore ,)
Working as Clerk at Civil Hospital,)
Satara 415 002)
Residing at Tamjai Nagar, Ramchandra Colony)
Survey No.6/1, Block No.6, Satara 415 002)...**Applicant**

Versus

- 1) The State of Maharashtra,)
Through Addl. Chief Secretary)
Public Health Department,)
New Mantralaya, G.T. Hospital Campus,)
10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services,)
Pune Division, Pune, New Administrative)
Building, Third Floor, Infront of Vidhan)
Bhavan, Pune 411 001)
- 3) District Surgeon,)
General Hospital, Satara 415 002)...**Respondents**

With

7. O.A. No. 447/2023

Mr. Shivaji Sahebrao Tribole,)
Working as Sr. Clerk, at Indira Gandhi General)
Hospital, Ichalkaranji, Kolhapur)
Residing at : Sainath Colony, Kasba Bawds,)

Kolhapur 416 002) **...Applicant**

Versus

- 1) State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) Services- Kolhapur Circle, New Admn.)
 Bldg. 2nd floor, Kasba Bawda,)
 Kolhapur 416 006)
- 3) Medical Superintendent, Indira Gandhi)
 General Hospital, Ichalkaranji ,)
 Kolhapur 416 002) **...Respondents**

With

8. O.A. No. 448/2023

Mr. Mahesh Ashok Salunke)
 Working as Sr. Clerk in the office Service)
 Manager, Divisional Workshop, Health Service)
 (Transport), Kolhapur, R/at. A-1, Maithili)
 Apartments, Kawala Naka, Kolhapur 416 001) **...Applicant**

Versus

- 1) State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health)
 Services, Kolhapur Circle, New Admn.)
 Bldg., 2nd floor, Kasba Bawda,)
 Kolhapur 416 006)
- 3) Service Engineer,)
 Divisional Workshop, Health Department)
 (Parivaham) Kolhapur) **...Respondents**

With

9. O.A. No. 449/2023

Mr. Sushen Bramhdeo Bhale,)
 Working as Sr. Clerk in the office Deputy)
 Director, Health Services, Kolhapur 416 003)
 Residing at Atharva Omkar Residency,)
 Flat No.708, Bapat Camp, Kolhapur 416 006)...**Applicant**

Versus

- 1) State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- g
 2) The Deputy Director of Health)
 Services, Kolhapur Circle, New Admn.)
 Bldg., 2nd floor, Kasba Bawda,)
 Kolhapur 416 006)...**Respondents**

With**10. O.A. No. 450/2023**

Mr. Prashant Pandurang Navale)
 Working as Sr. Clerk, Civil Surgeon office, Sangli)
 Residing at : A/P Bisur, Mali Wada,)
 Khotwadi Road, Sangli 416 410)...**Applicant**

Versus

- 1) State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) Services – Kolhapur Circle, New Admn.)
 Bldg, 2nd floor, Kasba Bawda,)
 Kolhapur 416 006)
- 3) District Civil Surgeon, Sangli.)
 District Sangli 416 410)...**Respondents**

With**11. O.A. No. 451/2023**

Mr. Prashant Mallikarjun Kotli)
 Working as District Malaria Officer, Sangli)
 Residing at : A/P Kadegaon, Shivarthan Height)
 Vita Karhad Road, Sangli 416 416)...**Applicant**

Versus

- 1) State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services -)
 Kolhapur Circle, New Admn Bldg., 2nd floor,))
 Kasba Bawda, Kolhapur 416 006)
- 3) District Malaria Officer, Sangli District)
 Sangli 416 416)...**Respondents**

With

12. O.A. No. 452/2023

Mr. Husenbasha Kadarsab Shaikh)
 Working as Sr. Clerk at Sub District Hospital)
 Kavathemahalkal, At Kavathemahalkal)
 Sangli 413 006)...**Applicant**

Versus

- 1) State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services -)
 Kolhapur Circle, New Admn Bldg., 2nd floor,))
 Kasba Bawda, Kolhapur 416 006)
- 3) District Civil Surgeon)
 Kolhapur Division, Health Department,)
 Kolhapur 416 006)...**Respondents**

With

13. O.A. No. 453/2023

Mr. Abrar Nasiroddin Kazi)
 Working as Sr. Clerk at Vasahat Rugnalaya,)
 Gandhinagar, Kolhapur. R/at. Muslim Boarding)
 Dasara Chowk, Kolhapur 416 002)...**Applicant**

Versus

- 1) State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services -)
 Kolhapur Circle, New Admn Bldg., 2nd floor,)
 Kasba Bawda, Kolhapur 416 006)
- 3) Medical Superintendent,)
 Vasahat Rugnalaya, Gandhinagar,)
 Kolhapur 416 002)...**Respondents**

With**14. O.A. No. 454/2023**

Mr. Madhukar Sopanrao Jadhav)
 Working as Sr. Clerk at Civil Surgeon Office,)
 C.P.R. Hospital, Kolhapur, Residing at Sainath)
 Colony, Kasba Bawda, Kolhapur 416 002)...**Applicant**

Versus

- 1) State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services -)
 Kolhapur Circle, New Admn Bldg., 2nd floor,)
 Kasba Bawda, Kolhapur 416 006)
- 3) District Civil Surgeon)
 Kolhapur Division, Health Department,)
 Kolhapur 416 006)...**Respondents**

With**16. O.A. No. 455/2023**

Mr. Dhanaji Narayan Katte)
 Working as Sr. Clerk at Rural Hospital Vita,)
 Taluka, Khanapur, District Sangli 415 311)
 Residing at Rural Hospital Vita,)
 Taluka Khanapur, District Sangli 415 311)...**Applicant**

Versus

- 1) State of Maharashtra,)
 Through Addl. Chief Secretary)
 Public Health Department,)
 New Mantralaya, G.T. Hospital Campus,)
 10th floor, Mumbai 400 001)
- 2) The Deputy Director of Health Services -)
 Kolhapur Circle, New Admn Bldg., 2nd floor,))
 Kasba Bawda, Kolhapur 416 006)
- 3) Medical Superintendent,)
 Vita District Sangli)...**Respondents**

Shri V.A Nagrani, learned counsel for the Applicants.

Smt K.S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Shri A.M Kulkarni (Member) (A)

DATE : **02.12.2024**

PER : **Justice Mridula Bhatkar (Chairperson)**

J U D G M E N T

1. As the issues involved in all these applications are same, they are heard together and disposed of by a common order.

2. The applicants pray that the Respondents be directed to call for the record of the case from the Respondents and after examining the same, quash and set aside the impugned order dated 30.1.2023 and the impugned charge sheet dated 8.3.2023 with all consequential benefits.

3. Learned counsel for the applicants submitted that the applicants joined services as Junior Clerk w.e.f 2009, pursuant to the advertisement dated 22.3.2009. Learned counsel has further submitted that as there was incidence of mass irregularities, including over-writing in the Answer Sheet, non-submission of MS-CIT and Typing Certificates of the requisite speed, the entire process was set aside by this Tribunal by order dated 2.4.2014 passed in O.A 1355/2009. The Respondents No 1 to 3 were directed to take appropriate action including segregation of the tainted candidates from the untainted candidates after providing opportunity of hearing to the candidates and then pass fresh order in accordance with law. Learned counsel has submitted that the Applicants challenged the said order of this Tribunal before the Hon'ble Bombay High Court by filing Writ Petition No. 620/2015 & Ors. On the basis of the judgment of this Tribunal the Respondents constituted three Member Committee under the Chairmanship of Dr Nigade for verifying the documents as well as re-evaluate the answer sheets of all the selected candidates. The said Committee submitted its report on 30.4.2014 to the Respondents. However, without considering the said report and without giving chance of hearing, the Respondents issued the termination order to all the selected candidates. The Hon'ble High Court was pleased to quash and set aside the judgment as well as the termination order issued by the applicant vide order dated 29.10.2018 and restored O.A 1355/2009 to this Tribunal to decide the matter afresh. Learned counsel submitted that in view of the

order of the Hon'ble High Court, the Original Application 1355/2009 was heard afresh and by order dated 8.12.2020, the Respondents No 1 to 3 were directed to take appropriate action including segregation of the tainted candidates from the untainted candidates after providing opportunity of hearing to the candidates and then pass a fresh order in accordance with law. In pursuance to the said order dated 8.12.2020, it was obligatory on the part of the Respondents to pass fresh order on the basis of the report dated 22.4.2010 and 30.4.2014. Learned counsel further submitted that by impugned order dated 30.1.2023, memorandum of charge sheet dated 8.3.2023 was issued to the applicants.

4. Learned Presenting Officer has pointed out certain developments which have occurred in dependence on account of certain steps taken by the Government and so also by the concerned Deputy Directors, who are the Disciplinary Authority from Pune and Kolhapur. Thus, the Government has acted upon the order dated 29.10.2018 passed by the Hon'ble High Court in W.P 615/2015 & Ors and also the order of this Tribunal dated 2.4.2014 in O.A 1355/2009, setting aside the entire recruitment process on the ground that many irregularities have taken place including over writing in the answer sheets, non-submission of MS-CIT and Typing Certificates of the requisite speed.

5. The admitted facts are as follows:-

- (i) The enquiry was conducted at different places like Kolhapur, Pune and Latur. In the present case, the Enquiry Report of two regions, Pune and Kolhapur are in question.
- (ii) All the applicants before this Tribunal are from Kolhapur, except one from Thane, who is covered under Pune Region.

- (iii) The applicant Delinquent Officers were asked to submit their final representation to the said report within seven days. Admittedly, while furnishing the enquiry report, the Disciplinary Authority has not said anything about the disagreement.
- (iv) All the applicants have submitted their final representations from 19.6.2024 till 30.6.2024.

6. As per the report of the Enquiry Officer, by way of final outcome 88 Delinquent Officers were exonerated by the Enquiry Officer and 8 were found guilty. Out of 8 persons, 5 of them resigned and against 3 persons, the penalty of termination of their services was suggested. The point raised by the learned counsel for the applicants is that the entire procedure is vitiated mainly on the ground that while furnishing the enquiry report to the applicants the Disciplinary Authority did not furnish tentative grounds of disagreement.

7. On the basis of the order dated 8.12.2020 of the Division Bench of this Tribunal, the Respondents decided to start departmental enquiry against all the candidates who were working as Government employees as they were recruited in the impugned recruitment process. Thus, in order to find out and segregate tainted candidates from untainted candidates, the Departmental Enquiry was conducted by the Respondents against the applicants, Delinquent Officers.

8. As on today, the departmental enquiries are over and the final report is also submitted by the Enquiry Officers to the Disciplinary Authority. So nothing remains in the reliefs which are sought by the applicant in these Original Applications and they

have become infructuous. Learned P.O submitted that the concerned Disciplinary Authorities from Pune and Kolhapur have furnished the report pursuant to the ratio laid down in the case of Managing Director, ECIL, Hyderabad Vs. B. Karunakar, AIR 1994 SC 1074, that if they don't agree with the report of the Enquiry Officer, then they are free to communicate the reasons of disagreement to the respective applicants, Delinquent Officer.

9. The applicants have raised further point that the Disciplinary Authority has already furnished the enquiry report on 20.5.2024 and the applicants have submitted their final representation till 30.6.2024. In the enquiry report all the applicants are exonerated and so the order of closure of enquiry is required. Now the Disciplinary Authority cannot pass any other order.

10. The prayers in all the Original Applications are very limited to the initiation of the departmental enquiry and the charge sheet issued against the applicants. Now the enquiry is complete and the report is submitted by the Enquiry Officer to the Disciplinary Authority and therefore the matters have become infructuous.

11. In view of the above, following order is passed:-

ORDER

- (a) All the Original Applications have become infructuous and stand disposed of.
- (b) As the copies of the report are furnished to the applicants (Delinquent Officers), we direct the Disciplinary Authority to

take decision in the matter and pass final orders by
7.1.2025.

Sd/-
(A.M Kulkarni)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 02.12.2024
Dictation taken by : A.K. Nair.