

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 868 OF 2018

DISTRICT : THANE

Shri Prakash Ramdas Shivade,)
Retd from the post of Head Master,)
Government Technical High School &)
Junior College, Ulhasnagar No. 3, Thane)
R/o: C/o: Dhiraj A. Tidke, 303, 3rd floor,)
Kalidas CHS, Near T.V Tower, Kulgaon,)
Badlalpur [E], Dist-Thane.)...**Applicant**

Versus

1. The State of Maharashtra,)
Through the Secretary,)
Skill Development & Entrepreneurship,)
Mantralaya, Mumbai.)
2. The Joint Director,)
Vocational Education & Training,)
Regional Office, 49,j Aliyarjang Marg,)
Kherwadi, Bandra [E], Mumbai 51.)
3. The Director of Vocational Education,)
& Training, 3, M.M Marg,)
Post Box No. 10036, Mumbai-1.)
4. The Joint Director of Vocational)
Education & Training, Regional office,)
Ramkrishna Parmhans Road,)
Post Box No. 456, Nasik 422 202.)
5. The Regional Departmental Enquiry)
Officer, Nasik Division in the office of)

Divisional Commissioner,)
Regional Departmental Enquiry Branch,))
Central Administrative Bldg, Nasik Rd,)
Nasik 422 101.)...**Respondent**

Shri K.R Jagdale, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Shri P.N Dixit (Vice-Chairman) (A)**
Shri A.D Karanjakar (Member) (J)

DATE : **17.06.2019**

PER : **Shri A.D Karanjakar (Member) (J)**

ORDER

1. Heard Shri K.R Jagdale, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. It is the contention of the applicant that in view of the irregularities committed in serving the charge sheet without documents in respect of the misconduct in the year 2008, the enquiry itself is vitiated. It is submitted that the applicant retired on 31.5.2017 and charge sheet was also served on him on 30.5.2017. Therefore, it is illegal.

3. It appears that when applicant was in service the charge sheet was served on him. Therefore, Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982 is not attracted.

4. It is also contention of the applicant that his predecessor was responsible for the misappropriation for which he was dismissed from service, but this material was not considered and therefore relief be given to the applicant.

5. In this regard, we would like to point out that at this juncture this Tribunal has no authority to make any comment on any question of fact, it is for the disciplinary authority to decide this factor.

6. However, considering the fact that the applicant retired in May, 2017, his monetary benefits are withheld, and he is only receiving provisional pension, in this circumstances, it is suitable in the interest of justice to direct the Respondents to decide the enquiry within a period of six months from the date of this order. Applicant is directed to give positive cooperation for completing the enquiry.

7. With the above directions, Original Application stands disposed of. No order as to costs.

(A.D Karanjakar)
Member (J)

(P.N Dixit)
Vice-Chairman (A)

Place : Mumbai
Date : 17.06.2019
Dictation taken by : A.K. Nair.