

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 913 OF 2018

DISTRICT : MUMBAI

Shri Avinash Raghunath Patil,)
Occ : Retd from service from the post of)
Deputy Commissioner of Sales Tax,)
BKC, Bandra [E],)
R/at: Flat no. 303, A-Wing, 'Bhoomi Elegant',)
Thakur Complex, Kandivli [E], Mumbai.)...**Applicant**

Versus

1. The State of Maharashtra,)
Through the Secretary,)
Finance Department,)
Mantralaya, Mumbai.)
2. The Commissioner,)
Sales Tax, Vikrikar Bhavan,)
Mazgaon, Mumbai 400 010.)...**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. We have heard submissions on behalf of the applicant. It is brought to our notice that the enquiry is completed and show cause

notice dated 21.8.2017 was served on the applicant. The Disciplinary Authority has called upon the applicant to show cause as to why the proposed punishment should not be awarded in the Departmental Enquiry.

3. It is the contention of the applicant that the charge sheet was served in the year 2006 and he retired in the year 2006. It is also submitted that the Enquiry Officer has exonerated the applicant and considering this aspect, the Respondents should not be permitted to proceed with the Departmental Enquiry.

4. We do not see any merit in the contention of the applicant for the reason that the enquiry is completed as per the Rules applicable and the Disciplinary Authority is empowered by law to disagree with the view formed by the Enquiry Officer. Under the circumstances, interference is not permissible.

5. However, considering the fact that the matter is old and it is lingering for completion of enquiry, therefore, it is suitable to issue certain directions in the matter. Hence, the following order.

ORDER

The Disciplinary Authority shall give hearing to the applicant and decide the enquiry within three months from the date of this order. The applicant is directed to appear before the Disciplinary Authority and cooperate. 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.