

[Spl/MAT/F-5/E]

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/ 1617 /2016  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.  
Date : -6 MAY 2016

**ORIGINAL APPLICATION NO. 712 OF 2015.  
(Sub :- Promotion)**

1. Shri Narayan L. Paithankar,  
R/at. A-101, Gangotri Apt., Ambamata Road, Palghar, Dist. Palghar-401 404.  
....**APPLICANT/S.**

**VERSUS**

- 1 The State Of Maharashtra, Through The Principal Secretary, Finance Dept., Mantralaya, Mumbai-32.      2 The Commissioner of Sales Tax, M.S., 8<sup>th</sup> Floor, Vikrikar Bhavan, Mazgaon, Mumbai-10.  
...**RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 03<sup>rd</sup> day of May, 2016 has made the following order:-*

APPEARANCE : Ms. S.P. Manchekar, Advocate for the Applicant.  
Smt. K.S. Gaikwad, P.O. For the Respondents.

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.  
HON'BLE SHRI R.B. MALIK, MEMBER(J).**

DATE : **03.05.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Malik*  
*6/5/2016*  
**Research Officer,  
Maharashtra Administrative Tribunal,  
Mumbai.**

## FARAD CONTINUATION SHEET NO.

Notes, Office Memoranda of Court,  
Apparatus, Tribunal's orders or  
Instructions and Registrar's orders

Tribunal's orders

O.A. No. 712 of 2015

Shri Narayan L. Paithankar

Applicant

Vs.

The State of Maharashtra & Ors.

Respondents

Heard Miss S.P. Manchekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.


2. This OA is brought by Sales Tax Officer, whose further promotion is held up pending a DE. As would become clear from the discussion to follow it is not really necessary for us to make any detailed narration of facts or even law and legal principles. We have perused the record and proceedings.


3. It is not even necessary for us to set out in detail the accusations forming the bedrock of the DE. It is indisputable that the enquiry officer submitted his report to the disciplinary authority on 22.5.2012 and thereafter the matter has remained pending. Thereafter the applicant was asked to show cause by the disciplinary authority which he did on 16.8.2012 and the matter stood pending thereafter.

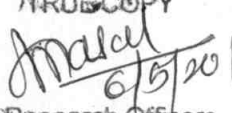
4. Ld. PO on instructions from Shri A.S. Mutayal, Section Officer, Sales Tax Administration-2, informs that the matter is now pending consideration of the GAD and according to her instruction it is with regard to the nature and quantum of punishment.

5. The above discussion makes it clear that the enquiry has not moved with the kind of dispatch which it should have. There was some reference to a scam which apparently has come to be known as Palghar Refund Scam in which 20 Sales Tax personnel are involved. We are expressing no opinion about anybody else. But as far as the present applicant is concerned we are quite clear in our minds that the time lag has been too much to be just and proper. The consideration of applicant's promotion has been held up and other factors remaining constant it cannot be an endless affair as it were.

6. This OA is, therefore, disposed off with a direction that the pending DE against the applicant shall be concluded in every respect including passing of the final order within four months from today and the outcome thereof be communicated to the applicant within one week thereafter. It is made clear that if the above order is not complied within the time limit prescribed the applicant shall be promoted within four weeks thereafter subject to the applicant giving an undertaking that in case of punishment he shall undergo the same on the promoted post. No order as to costs.

  
(R.B. Malik)  
Member (J)  
3.5.2016  
(sgj)

  
(Rajiv Agarwal)  
Vice-Chairman  
3.5.2016

TRUE COPY  
  
Asst. Registrar / Research Officers  
Maharashtra Administrative Tribunal  
Mumbai