

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.411 OF 2016

DISTRICT : PUNE

Mr. Bharat Nhanu Chavan.)
Age : 57 Yrs., Occu.: Service,)
R/at 462, Bhavani Peth, Pune 411 002.)
Pune – 411 028.)...**Applicant**

Versus

1. The Addl. Chief Secretary,)
Home Department, Mantralaya,)
Mumbai - 400 032.)
2. The Deputy Secretary.)
Home Department, M.S, Mantralaya,))
Mumbai 400 032.)
3. The Director of Public Prosecution.)
Barrack No.6, Free Press Journal)
Road, Nariman Point, Mumbai - 21.)...**Respondents**

Mr. V.V. Joshi, Advocate for Applicant.

Mr. K.B. Bhise, Presenting Officer for Respondents.

PER : SHRI B.P. PATIL (MEMBER-J)
SHRI P.N. DIXIT (MEMBER-A)

DATE : 06.02.2018

PER : SHRI B.P. PATIL (MEMBER-J)

J U D G M E N T

1. Heard the Applicant with Mr. V.V. Joshi, the learned Advocate for the Applicant and Mr. K.B. Bhise, the learned Presenting Officer (P.O) for the Respondents.

2. The Applicant has challenged the issuance of Memo of charge dated 2.07.2014 against him and initiation of departmental enquiry on account of allegations of malpractices and misconduct.

3. The learned Advocate for the Applicant has submitted that the alleged incidents were of the year 1999 onwards. He has submitted that the preliminary enquiry has been conducted by the concerned Officer and the report has been submitted to the higher authorities. But, thereafter, the Respondents have issued the charge-sheet against the Applicant on 2nd July, 2016 i.e. after lapse of more than 13 years. He has submitted that, as there is an inordinate delay in initiation of the D.E. against him, the Applicant has challenged the proceedings initiated against him. Therefore, he prayed to allow the O.A.

4. He has further submitted that, in case the Tribunal is of the view that the Applicant has to face enquiry, and there is no just ground to quash the enquiry, in that case, directions may be given to the Enquiry Officer to conclude the D.E. within stipulated time.

5. The learned P.O. has submitted that the charges leveled against the Applicant are of serious nature. The allegations of corruption as well as misconduct were made against him and after considering the report in the preliminary enquiry, the Government has decided to initiate the D.E. against the Applicant, and therefore, the Memo of Charge has been issued to the Applicant on 2nd July, 2014. He has submitted that the applicant has prolonged the enquiry on the ground of pendency of this O.A, and therefore, there was delay in concluding the enquiry. He has submitted that the enquiry has been transferred to Konkan Region on the basis of report submitted by the Divisional Enquiry Officer, Pune. He has submitted that the Applicant has not appeared before the Enquiry Officer at Konkan Bhavan, and therefore, there is a delay in concluding the enquiry. He has submitted that, if this Tribunal directs the Enquiry Officer to expedite the enquiry, then the Enquiry Officer will conclude the enquiry within three months and submit his report to the disciplinary authority. He has submitted that, in that event the Applicant may be directed to cooperate the Enquiry Officer.

5. We have gone through the record. On perusal of the documents on record, it reveals that the allegation of serious nature including the corruption, misbehavior, misconduct, acquiring disproportional property were made against the Applicant. The disciplinary authority made the preliminary enquiry and on considering the report in the preliminary enquiry decided to initiate the enquiry against the Applicant.

6. On going through the record, we are convinced that the disciplinary authority has rightly taken the decision to initiate the enquiry against the Applicant considering the serious nature of the allegations made against him. Therefore, in our considered view, there is no just ground to quash the enquiry. The enquiry is pending since the year 2014 in respect of the events occurred in the year 1999/2000. Meanwhile, the Applicant has been retired from the service w.e.f. 31st March, 2017 on superannuation. Therefore, it is necessary to expedite the hearing in the D.E. Therefore, the Divisional Enquiry Officer, Konkan Bhavan is directed to conclude the D.E. and submit his report to disciplinary authority within three months from today by keeping the enquiry on day-to-day basis. The Applicant shall appear before the Enquiry Officer on 14th February, 2018. On receiving the report from the Enquiry Officer, the disciplinary authority may take final decision in the enquiry within one month thereafter. The Applicant shall co-operate the Enquiry Officer in conducting the D.E.

7. With the aforesaid direction, the Original Application is disposed of with no order as to costs. Hamdast and Steno-copy allowed.

Sd/-
(P.N. Dixit)
Member-A
06.02.2018

Sd/-
(B.P. Patil)
Member-J
06.02.2018

Mumbai

Date : 06.02.2018

Dictation taken by :

S.K. Wamanse.

D:\SANJAY WAMANSE\JUDGMENTS\2018\2 February, 2018\O.A.411.16.w.2.2018.D.E..doc