

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.04/2024 (S.B.)**

Shri Jivan S/o Shankar Keram,  
Aged about 57 yrs., Occu.: Service,  
R/o Sai Destiny Apartment, Wani,  
Distt. Yavatmal.

... **APPLICANT**

**// V E R S U S //**

- 1] The State of Maharashtra,  
Through its Secretary,  
Department of Vocational Education & Training,  
Mantralaya, Mumbai.
- 2] The Joint Director,  
Vocational Education & Training,  
Regional Office, Amravati.
- 3] The Principal,  
Indian Training Institute, Maregaon,  
Distt.: Yavatmal.

... **RESPONDENTS**

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**Shri G.G.Bade, Id. Advocate for the Applicant.**

**Shri S.A.Sainis, Id. P.O. for the Respondents.**

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**Coram    :-    Hon'ble Shri M. A. Lovekar, Member (J).**

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## **J U D G M E N T**

**Judgment is reserved on 08/10/2024.**

**Judgment is pronounced on 12/12/2024.**

Heard Shri G.G.Bade, learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for the respondents.

2. Facts leading to this Original Application are as follows. The applicant was working as Craft Instructor at I.T.I. Maregaon, District Yavatmal. A show cause notice dated 16/05/2023 (Annexure-A-3) was issued to him as to why disciplinary action be not initiated against him under Rule 8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. The applicant gave reply dated 24/05/2023 (Annexure A-4). By order dated 13/06/2023 (Annexure A-5) a Committee was constituted to enquire into various complaints against the applicant. On 02/07/2023 the Committee submitted its report. The complaints enquired into were as follows:

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1	विविध मार्गाचा अवलंब करून सातत्याने प्रशासनाला वेठीस धरण्याचे कार्य करणे.
2	संस्थेमध्ये सेवाजेष्ठता वाद निर्माण करून प्र. गटनिदेशक पद मिळावे याकरीता कार्यालयाची कोणतीही पूर्व परवानगी न घेता सेवाअंतर्गत बाबी पोलीस खात्याकडे वर्ग करणे.

3	सेवाजेष्ठतेचा वाद निर्माण करुन महाराष्ट्र दिनी ध्वजारोहणा विरोधात पोलीस स्टेशनला तक्रार करणे.
4	खोटया व बनावट तक्रारी देवून प्रशासनास वेठीस धरणे.
5	प्रशासनावर दबाव आणणे.
6	आदिवासी संघटनांना पाचारण करण्याची धमकी देणे.
7	सेवाजेष्ठते बाबत जोपर्यंत वरिष्ठ कार्यालय निर्णय देत नाही, तोपर्यंत कर्तव्यावर येणार नाही व होणा-या नुकसानीची जबाबदारी प्राचार्य यांच्यावर ढकलणे.
8	शासनाची दिशाभूल करणे.
9	जनमानसात संस्थेची प्रतिमा मलिन करणे.
10	कर्मचा-यांशी सलोख्याची वागणूक नसल्याने आपआपसात वाद निर्माण होणे.

The Committee found substance in the complaints. It concluded that the allegations were serious and warranted initiation of departmental enquiry. Thereafter, the impugned order dated 14/07/2023 (Annexure A-1) was passed deputing the applicant to I.T.I., Zhari-Zamni, District Yavatmal. The order stated:-

“उक्त संदर्भ क्रमांक १ अन्वये प्रदान करण्यांत आलेल्या अधिकाराचा वापर करुन वर्ग-३ संवर्गातील खालील नमूद कर्मचा-यांची त्यांच्या नावासमोर नमूद केलेल्या कार्यालयात रकाना क्र.४ मध्ये दर्शविल्याप्रमाणे खालील अटींच्या अधिन राहून अत्यंत तात्पुरत्या स्वरूपात तक्रारीच्या अनुषंगाने प्रशासकिय कारणास्तव आदेशाच्या दिनांकापासुन पुढील आदेशा पर्यंत सेवा उपलब्ध करण्यांत येत आहे.”

Hence, this Original Application.

3. In their reply Respondents 2 and 3 have stated that to maintain discipline at the workplace, instead of taking disciplinary action, the applicant was deputed by the impugned order.

4. In their reply filed on 22/05/2024 respondents 2 and 3 have categorically stated that the applicant had not, till that point of time, joined at Zhari-Zamni. Though, the applicant has filed a rejoinder assailing order dated 14/07/2023 on various grounds viz. the same being opposed to Rule 36 and provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, he has not traversed stand of Respondents 2 and 3 that he has not joined at Zhari-Zamni. This rejoinder was filed on 01/07/2024.

5. Letters dated 21/11/2022 (at P. 195) and 22/09/2023 (at P. 196) show that pursuant to the impugned order the applicant was relieved on 15/07/2023 itself. The order dated 14/07/2023 was questioned by the applicant by filing this O.A. on 03/01/2024. It came up before the Tribunal on 16/01/2024. No interim order was passed. In this factual background if this Tribunal proceeds to decide legality of the impugned order at this stage, that would

amount to condoning the lapse of the applicant i.e. defying the impugned order. In the facts and circumstances of the case, following order shall be just and proper. The applicant would be at liberty to make a fresh representation for reconsideration of the impugned order. On such representation being made, it shall be decided on its own merits within two months from today. **The O.A. is disposed of with no order as to costs.**

**Member (J)**

**Dated :-12/12/2024.**  
**PRM.**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 12/12/2024  
and pronounced on

Uploaded on : 13/12/2024