

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.511/2024****With C.A.No.324/2024(S.B.)**

Kuldeep Aanandrao Dongre,
Aged 38 years, Occ. Service,
R/o Kishor Nagar, Near RTO,
Meshram House, Amravati.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Revenue & Forest,
Mantralaya, Mumbai.
- 2) Settlement Commissioner &
Director of Land Record,
(M.S.), Agarkar Nagar,
New Administrative Building,
Opposite Council Hall, Pune.
- 3) Dy. Director of Land Record,
Amravati Region, Amravati.
- 4) Dy. Superintendent of Land Record,
Amravati.

Respondents

Shri N.R.Saboo, Ld. Counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

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

Dated:- 18th October, 2024.

JUDGMENT

Judgment is reserved on 16th October, 2024.

Judgment is pronounced on 18th October, 2024.

Heard Shri N.R.Saboo, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the respondents.

2. Facts leading to this O.A. are as follows. The applicant was working as Scrutiny Clerk in the office of D.I.L.R., Amravati. On 12.04.2024 one Shivrajsing Rathod made a complaint (Annexure A-2) to respondent no.2 that the applicant had asked him to pay to his, applicant's superior Anil Fulzele an amount of Rs.1 Lakh to get the measurement sheet of measurement of his non-agriculture land carried out on 26.10.2023. Pursuant to this complaint show cause notice dated 07.05.2024 was issued to the applicant. He submitted his reply dated 22.05.2024 to the show cause notice denying all allegations levelled against him. Respondent no.3 then placed the applicant under suspension by the impugned order dated 07.06.2024 (Annexure A-1) in contemplation of initiation of departmental enquiry. This order stated-

तसेच श्री कुलदिप आनंदराव डोंगरे, छाननी लिपीक, उप अधीक्षक भूमि अभिलेख, अमरावती यांनी या पदावर कार्यरत असतांना मागील १

वर्षाच्या काळातील एकुण २४ प्रकरणांत ई-मोजणी आज्ञावली मधुन प्रकरणे निकाली केल्यानंतरही अर्जदार यांना क प्रत निर्गमित केलेल्या नसल्याचे त्यांचे दप्तर तपासणी मध्ये आढळून आलेले आहे. श्री. डोंगरे यांनी त्यांचे कर्तव्यास शासनाप्रती प्रामाणीकपणा, सचोटी व कर्तव्यपरायणता राखली नाही त्यांनी त्यांच्या कर्तव्यात कसूर केलेला आहे. याबाबत वाचा क्रमांक २ अन्वये श्री.डोंगरे यांना निलंबित करून विभागीय चौकशी सुरु करणेबाबत प्रस्ताव प्राप्त झालेला आहे.

On 18.06.2024 charge sheet (Annexure A-2) was prepared against the applicant. Two charges as follows were laid against the applicant-

दोषारोप क्रमांक १- मौजे नांदगाव पेठ ता.जि. अमरावती येथील गट नंबर ४४५ मो.र.क्र. २४० अतितातडी बिनशेतीची मोजणी दिनांक २६/१०/२०२३ रोजी झाली असुन दिनांक ३१/१०/२०२३ मध्ये प्रकरण ई मोजणी आज्ञावलीतुन निकाली झाली असुन अर्जदार यांना मुदतीत क प्रत पुरविली नसल्याने प्राप्त तक्रारी बाबत.

दोषारोप क्रमांक-२: ई-मोजणी आज्ञावलीमधुन मोजणी प्रकरणे निकाली केल्यानंतर अर्जदार यांना क प्रत निर्गमित केल्या नाही.

So far as charge no.2 was concerned, 24 instances of such lapse were listed.

According to the respondents, on 29.07.2024, 02.08.2024, 21.08.2024, 22.08.2024 and 26.08.2024 attempts were made to serve the applicant with the charge sheet but he was not found on his residential address and panchnama to that effect was made on 22.08.2024 by pasting a notice to the gate of his residence. It is the contention of the applicant that the impugned order of suspension and

transfer of the applicant to the establishment of Deputy Superintendent of Land Records, Murtijapur is passed for extraneous considerations and without complying with the principles of natural justice. Hence, this O.A..

3. Stand of respondent no.3 is that the applicant had breached sub Rules (1), (2) and (3) of Rule 3 of the M.C.S. (Conduct), Rules, 1979 and he was placed under suspension as per Rule 4 of the M.C.S.(Discipline and Appeal) Rules, 1979 as initiation of departmental enquiry against him was contemplated.

4. To his rejoinder the applicant has annexed at Page 58 following explanation submitted by Durusti Clerk Smt.Futane which reads as under-

उपरोक्त संदर्भित विषयान्वये मी दुरुस्ती लिपिक या पदावर ०३/०७/२०२३ रोजी इकडील कार्यालयाला नवनियुक्त कर्मचारी म्हणून रुजू झाले. मौजा नांदगाव पेठ ता.जि. अमरावती गट क्र. ४४५ मोजणी मो.र.क्र. २४०/अ.ता.बि.शे./२०२३ चे मोजणी प्रकरणात प्रत्यक्ष मोक्यावरील वहीवाटी च्या अनुषंगाने अभिलेखानुसार मोजणी कार्यवाही केली असे. तद समयी मी नवनियुक्त कर्मचारी असल्या कारणाने व त्यावेळी माझे प्रशिक्षण झाले नव्हते. सदर प्रकरणात क्षेत्रातील तफावतीची चूक माझ्या कडून अनावधानाने झाली आहे.

महोदय सदर मोजणी प्रकरणात असे करणे मागे माझा कुठलाच उद्देश नव्हता. कोणतीही चूक जाणीवपूर्वक केलेला नाही. त्यामुळे माझ्यावर महाराष्ट्र नागरी सेवा (शिस्त व अपिल) नियम 1979 नुसार शिस्तभंगाची कारवाई करण्यात येवु नये ही नम्र विनंती.

The applicant has further annexed to the to the rejoinder (at Page 60) letter issued by respondent no.4 to the complainant Shivrajsing Rathod calling upon him to make the compliance as follows-

तरी आपण मौजा नांदगाव पेठ सर्व्हे नंबर ४४५ क्षेत्र ०.९३.५० हे. आर मोजणी क प्रत सादर करण्यात यावे. जेणेकरून मौजा नांदगाव पेठ येथील मोजणी मो.र.क्र. २४०/अतितातडी बिगरशेती/२०२३ च्या प्रकरणात कार्यवाही करणे सोईचे होईल.

तरी वर नमुद त्रुटीची पुर्तता तात्काळ सादर करावी. अन्यथा नियमाप्रमाणे कार्यवाही केली जाईल याची नोंद घ्यावी.

According to the applicant, the then Deputy Superintendent of Land Records Anil Fulzele used to withhold measurement files, therefore, by order dated 10.05.2023 he was transferred to Umerkhed and O.A.No.451/2023 filed by him challenging his order of Transfer was dismissed by this Bench by Judgment dated 24.01.2024 (Annexure A-5). On the basis of all these circumstances it was argued by Shri N.R.Saboo, learned counsel for the applicant that the applicant was made a scapegoat to presumably cover lapses of Anil Fulzele, Smt.Futane and the complainant Shivrajsing Rathod.

5. I have referred to the charges levelled against the applicant. So far as charge no.2 is concerned, 24 instances of identical lapse have been quoted. The departmental enquiry against the applicant is not confined to the solitary lapse relating to the complainant. It is apparent

that the impugned order was passed not by way of punishment but in view of contemplated initiation of departmental enquiry. This being the factual position the impugned order will have to be sustained.

6. It was further submitted by Advocate Shri N.R.Saboo that the chargesheet prepared against the applicant was antedated. This chargesheet is dated 18.06.2024. It is a matter of record that reply dated 09.08.2024 filed by respondent no.3 is silent on the point of chargesheet. However, only on the basis of this circumstance it cannot be automatically inferred that the chargesheet was antedated.

7. For the reasons discussed hereinabove the O.A. deserves to be dismissed. Accordingly, C.A. stands disposed of. It is accordingly dismissed with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 18/10/2024
rsm.

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

Name of Steno : Raksha Shashikant Mankawde.
Court Name : Court of Hon'ble Member (J).
Judgment signed on : 18/10/2024.
and pronounced on