

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 10917 of 2015

District : Nanded

1. The State of Maharashtra,
Through the Secretary,
Water Resource Department,
Mantralaya, Mumbai.
 2. The Superintending Engineer,
Nanded Irrigation Circle,
Nanded.
 3. The Executive Engineer,
Vishnupuri Division No.2,
Nanded, District : Nanded.
- .. Petitioners
(Original respondents)

versus

Shri S. Prabhakar,
Age : 61 years,
Occupation : Retired Sectional
Engineer, R/o. House No. 1-18-88,
Sundar Nagar, Near Kabra Nagar,
Purna Ring Road, Nanded,
District : Nanded,
At present Plot No.4, Saidharni Nagar,
Phase II, Post Nagaram Mandal,
Keesara, Rangareddy,
District : Hyderabad - 500 083.

.. Respondent
(Original applicant)

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*Mr. V.S. Badakh, Asst. Government Pleader, for
the petitioners.*

Mr. S.D. Joshi, Advocate, for the respondent.

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**CORAM : S.S. SHINDE &
SANGITRAO S. PATIL, JJ.**

DATE : 29TH MARCH 2016

COURT'S ORDER (Per S.S. Shinde, J.) :

1. Heard the learned Asst. Government Pleader appearing for the petitioners (original respondents) and the learned Counsel appearing for the respondent (original applicant). With their assistance, we have perused the pleadings in the petition, annexures thereto and the reasons assigned by the Maharashtra Administrative Tribunal in the impugned order.
2. Upon careful perusal of the material placed on record and in particular charge sheet, the misconduct alleged against the respondent relates back to the incident which had taken place in the year 1990.
3. Rule 27(2)(b)(ii) of the Maharashtra Civil Services (Pension) Rules 1982, reads thus :-

“ The Departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, —

(i)
.....

(ii) shall not be in respect of any event which took place more than four years before such institution, and

(iii)
 ”

In the facts of the present case, charge sheet was served upon respondent in the year 2003 i.e. after retirement of the petitioner, in respect of the events those took place in the year 1990. The afore mentioned provision does not permit enquiry in respect of any event which took place more than four years before such institution of enquiry.

4. Apart from the said provision, the Tribunal in paras 13 to 15 of its judgment has recorded detail reasons and allowed the application filed by the respondent, thereby setting aside the order dated 17th March 2005 passed by the petitioner. In our opinion, reasons and findings recorded by the Tribunal in paras 13 to 15 of its judgment are in consonance with the material on record. There is no perversity in the findings recorded by the Tribunal and view taken is a possible view. No case is made out for interference in exercise of extraordinary jurisdiction of this Court under Articles 226 or 227 of the Constitution of India.

5. Hence, the Writ Petition is rejected.

(SANGITRAO S. PATIL)
JUDGE

(S.S. SHINDE)
JUDGE

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