

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

WRIT PETITION NO.6094 OF 2018

Bhagatsingh Pratapsingh Patil (Pawar) ..Petitioner

Vs.

The State of Maharashtra and others ..Respondents

Mr.Milind Patil, Advocate for petitioner

Mr.V.S.Badakh, AGP for respondents

CORAM : S.V. GANGAPURWALA AND

R.G. AVACHAT, JJ.

DATE : DECEMBER 18, 2018

PER COURT

The petitioner has approached this Court against the order dated 10.01.2018 passed by the Maharashtra Administrative Tribunal, refusing the interim relief.

2. The petitioner had filed Original Application No.641 of 2015, challenging the departmental enquiry initiated against him. The Tribunal, initially, had granted stay to the departmental enquiry. However, subsequently, it was vacated.

3. Mr. Patil, learned Counsel for the petitioner, submits that the petitioner, at the relevant time, was working as Talathi. He was not engaged in any malpractice or misappropriation of amount, etc. He submits that in fact, the petitioner has been made a scapegoat. No action is taken against the responsible person i.e. Sub-Divisional Officer and even the person, who is liable, has initiated enquiry against the petitioner. He submits that considering this aspect, the Tribunal had granted stay to the departmental enquiry. However, subsequently, as the suspension of the petitioner was revoked, the interim relief was vacated. That order does not deal with the contention of the petitioner on merit.

4. The learned AGP submits that the Sub-Divisional Officer, at the relevant time, had not directed enquiry against the petitioner and it was another Sub-Divisional Officer, who had directed enquiry.

5. We have considered the rival submissions advanced by learned Counsel for the parties.

6. We are not inclined to stall the departmental enquiry. The departmental enquiry is initiated to get truth of the matter. The petitioner will have every opportunity to put forth his stand in the departmental enquiry. It appears that the Original Application is still pending. An affidavit is filed by the State, stating that the Sub-Divisional Officer, against whom the petitioner has alleged, is not the person, who has directed enquiry. The Enquiry Officer is not connected with the alleged transactions.

7. In the circumstances, we pass the following order :-

8. The respondents may proceed further with the departmental enquiry initiated against the petitioner, as per the procedure laid down. However,

the disciplinary authority shall not pass final order till the decision in the Original Application by the Tribunal.

9. The Tribunal is requested to decide the Original Application expeditiously, as per its convenience and preferably, within a period of three months from today.

10. The Writ Petition is accordingly disposed of. No costs.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA, J.]

kbp