

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4574 OF 2016
(State of Maharashtra and others vs. Ravindra s/o Vasantrao Yewale)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S.M. Ukey, Additional Government Pleader for
petitioners.

Shri V.A.Kothale, Advocate for respondent.

CORAM : B.P. DHARMADHIKARI AND
 MRS. SWAPNA JOSHI, JJ.

DATED : FEBRUARY 5, 2018

Heard for some time.

2) The order dated 29/4/2015 passed by Maharashtra Administrative Tribunal in Original Application No. 256/2014 has been questioned before this Court by employer State Government. Maharashtra Administrative Tribunal after taking note of the fact that Enquiry Officer exonerated employee of all charges, also recorded a finding that Disciplinary Authority while disagreeing with said report did not assign required reasons.

3) Effort of learned Additional Government Pleader in the petition is to demonstrate that very show cause notice contains reasons for differing with Enquiry Officer.

4) Adv. Kothale for respondent has invited our attention to enquiry report and submitted that specific

findings of facts reached by Enquiry Officer have not even entered the mind of Disciplinary Authority.

5) Perusal of enquiry report shows that no witness was examined by employer in departmental enquiry. Enquiry Officer has while considering the written brief presented by employer, in second paragraph itself appreciated defence of employee that charges pertained to period when he was not in-charge and then has concluded that this defence of employee is true. This finding of fact has not been looked into by Disciplinary Authority at all.

6) Perusal of show cause notice dated 4/8/2010 after mentioning the finding of Enquiry Officer only comments upon post and position held by respondent and holds him responsible because of his occupying that post. It does not in any way comment upon facts at hand or then said finding of Enquiry Officer.

7) The punishment inflicted upon respondent by Disciplinary Authority is withholding his three increments permanently with cumulative effect and the Minister has in further challenge removed cumulative effect. Maharashtra Administrative Tribunal has disposed of Original Application with liberty to Disciplinary Authority to issue fresh show cause notice.

8) No objection can be taken to this finding or then the course adopted by Maharashtra Administrative Tribunal. We at one stage were inclined to observe something against filing of petition in such matters. However, at the request of learned Additional

Government Pleader, we have restrained from doing so. But then we direct petitioner State Government to complete action as directed by Maharashtra Administrative Tribunal within next four months. With these directions, we dismiss writ petition. No costs.

JUDGE

JUDGE

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