

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

WRIT PETITION NO.8560/2019

The State of Maharashtra and others Vs. Wasudeo Abaji Harshe

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

Court's or Judge's order

Shri N. R. Patil, Advocate for the petitioners.

CORAM : R.K. DESHPANDE &
A.S. CHANDURKAR, JJ.
DATED : 13th JANUARY, 2020.

. In para 11 of the Judgment delivered by the
Maharashtra Administrative Tribunal, the findings are
recorded as under.

“From the said order, it seems that the respondents are also alleging that the applicant was absent unauthorizedly from 09.09.2003 till passing of that order i.e. on 10.01.2007. However, that does not seem to be a correct statement because as per findings given by the Inquiry Officer, the applicant was absent from 04.07.1997 to 09.09.2003, but said period was regularised and therefore this charge no more remains against the applicant. So far as the applicant's absence from 02.09.2003 till passing of the impugned order of 10.01.2007 is concerned, no departmental inquiry was initiated against the applicant for absence for this period and therefore no order of termination can be issued on the basis of charge that the applicant remained absent without intimation from 09.09.2003 till 10.01.2007 without due inquiry in this regard. This clearly shows that the respondent no.3 i.e., the Regional

Dairy Development Officer, Nagpur did not apply his mind in the report given by the Inquiry Officer and has issued the impugned order holding the applicant guilty for remaining absent unauthorizedly for the period from 09.09.2003 till passing of the order dated 10.01.2007 without inquiry.”

2. On the basis of such findings, relief is granted of setting aside the order of termination dated 10.01.2007 and to treat the petitioner as compulsorily retired from the said date.

3. It is also directed that if the respondent is entitled to pensionary benefits, in accordance with rules, the steps to complete the formalities and release the pension shall be taken within a period of three months.

4. We do not find any substance in the ground of challenges raised to the findings recorded in para 11.

5. Writ Petition is dismissed.

JUDGE

JUDGE

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