

Digitally
signed by
BASAVRAJ
GURAPPA
PATIL
Date:
2023.01.16
10:55:24
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4890 OF 2007

The State of Maharashtra & Ors.

..... Petitioner

Vs.

Arjun Parmanand Mirani

..... Respondents

Mr. B. V. Samant, AGP for the State

Mr. N. V. Bandiwadekar for the Respondents

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : JANUARY 13, 2023

P.C.

1 Heard the learned AGP for the Petitioner and the learned Counsel for the Respondents.

2 Respondent No.1 had filed Original Application No.334 of 2005 before the Maharashtra Administrative Tribunal, Mumbai seeking directions against the present Petitioner to conclude the inquiry, expeditiously, on the ground that the present Respondent was due to retire. The Tribunal, under its order dated 6th May 2005 directed the present Petitioner to complete the inquiry within three months and if the inquiry is not concluded within three months, then the departmental proceedings shall automatically stand quashed and set aside.

3 The present Petitioner filed Misc. Application bearing No.199 of 2005 praying that the time be extended by further three months. The said Application is rejected. Aggrieved thereby, the present Writ Petition.

4 The learned AGP submits that because of the administrative reasons, the inquiry could not be completed within three months i.e. before 6th August 2005 and as such, a reasonable prayer was made for extension of three months. Same is also not granted by the Tribunal. Hyper technical view has been taken.

5 Mr.Bandiwadekar, the learned Counsel for the Respondent submits that the inquiry, in fact, had commenced in the year 1993. The inquiry report was submitted in the year 2004. The Respondent was due to retire on 31st July 2005. As such, the Respondent had moved the Tribunal. In view of the facts and circumstances, the Tribunal had given directions to conclude the inquiry within three months.

6 We have considered the submissions.

7 The Respondent stood retired on attaining the age of superannuation on 31st July 2005. The inquiry was initiated in the year 1993. The inquiry report was submitted on 8th July 2004. No decision was taken by the Disciplinary Authority. After lapse of 17

years, no purpose would be served in entertaining the present petition.

8 Moreover, the order that was passed by the Tribunal, cannot be said to be unreasonable or illegal. Inquiry cannot be allowed to be continued in perpetuity. The Respondent has already retired in the year 2005.

9 In view of the aforesaid facts and circumstances, no error has been committed by the Tribunal.

10 The Rule is discharged.

11 The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)