

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3665 OF 2026

State of Maharashtra Through
Secretary Social Justice & Special
Assistance Department, Mantralaya

...Petitioner

Versus

Rajiv Kamlakar Bhosale

...Respondent

Smt. Pooja Patil, AGP for the Petitioner-State.

Mr. Sanjay Kshirsagar, for the Respondent.

CORAM : SUMAN SHYAM &

SHYAM C. CHANDAK, JJ.

DATED : 1st APRIL, 2026

P.C. :-

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. Heard Smt. Patil, learned AGP appearing for the Petitioner-State and Mr. Kshirsagar, learned Counsel appearing for the Original Complainant/Respondent.

3. This Writ Petition is directed against the Order dated 7th May, 2025 passed by the learned Maharashtra Administrative Tribunal, Mumbai in Original Application No.753 of 2021 allowing the Application filed by the Respondents by quashing the Departmental Enquiry initiated against him based on charge-sheet dated 20th April, 2015 on the ground of inordinate delay in concluding the same.

4. Having held as above, the learned Tribunal had also issued a direction to the State to grant all consequential benefits to which the Petitioner is found to be entitled to, within three months. The operative part of the Order dated 7th May, 2025 is reproduced hereinbelow for ready reference :-

"5. It was submitted by Adv Smt. Mahajan that considering the ratio in **Prem Nath Bali** (supra) and facts of the case, the impugned Departmental Enquiry is required to be quashed and set aside. We have discussed the chronology which reveals how the impugned Departmental Enquiry was delayed. The Respondents could not furnish any justification for inordinate delay in proceedings with the inquiry when order of stay was passed on 5-10-2021. Our attention was invited to the period of alleged delinquency of the Applicant which was from 22-5-1998 to 16-6-1998 and from 1-9-1999 to 28-5-2000. On the said charge charge-sheet was issued on 20-4-2015. Inquiry Officer was appointed on 13-9-2019. First date of hearing in Departmental Enquiry was given to be 23-8-2021. Considering these details order of stay was passed. Under the circumstances the Applicant can be said to have made out a case for quashing the Departmental Enquiry initiated by charge-sheet dated 20-4-2015. Said proceedings is quashed and set aside. All consequential benefits to which he is found entitled by virtue of determination made as above by this Tribunal shall be extended to him within 3 months from today. The Original Application is allowed in these terms with no order as to costs."

5. Ms. Patil, learned AGP, has argued that the grievance of the Petitioner, as expressed in the Original Application, was pertaining to the long pendency of the Departmental Enquiry. Therefore, even if the Departmental Enquiry is quashed on the ground of delay, there was no justification for issuing any direction granting consequential benefit to the Original Applicant/Respondent more so, since there was neither any specific prayer to that effect nor does the impugned Order indicate as to what would be the nature and extent of the consequential benefit to which the Respondent would be entitled. She therefore, submits that without determining the consequential benefit to which the Respondent was entitled to under the law, it was not proper on the part of the learned Tribunal to issue such a direction.

6) Responding to the above submissions, Mr. Kshirsagar, learned Counsel appearing for the Respondent submits that, in view of the long pendency of the Departmental Enquiry his client has been deprived of promotion to the higher post at the relevant point of time which in turn, has denied him the benefit of higher pay fixation, to which the Respondent would have automatically been entitled to had he been promoted at the correct time. To that extent, submit, Mr. Kshirsagar, the Respondent/Original Applicant would be entitled to claim consequential benefit. However, Mr. Kshirsagar, learned Counsel for the Original Applicant, has fairly submitted that, since there is no determination of the nature of

consequential benefit that the Original Applicant would be entitled under the law, even if this Court interferes with the said direction of the learned Tribunal on such ground, even then, the Original Applicant be granted liberty to pursue his claim before the appropriate forum in accordance with law.

7) Insofar as, the Order of the learned Tribunal quashing the Departmental Enquiry on the ground of inordinate delay in concerned, after going through the impugned Order, we do not find any justifiable ground to interfere with the said finding. Therefore, we affirm the decision of the learned Tribunal quashing the Departmental Enquiry.

8) Insofar as the direction to grant consequential benefit to the Respondent is concerned, it is correct that the nature and extent of the consequential benefit have not been spelt out in the impugned Order. Notwithstanding the same, a Contempt case has been filed by the Original Applicant, alleging non-compliance of such direction.

9) Unless there is a specific claim about the nature of consequential benefit to which the Original Applicant claims to be entitled to under the law and such claim is determined by a forum competent to do so under the law, the question of extending such consequential benefit to the Original Applicant would not arise in the eyes of law.

10) Therefore, while interfering with the direction of the learned Tribunal granting unspecified consequential benefit to the Original

Applicant/Respondent, we dispose of the Writ Petition by granting liberty to the Original Applicant/Respondent to pursue his claim on the above count, in accordance with law.

11) The Writ Petition succeeds in part.

12) Parties to bear their own cost.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)