



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

WRIT PETITION NO.1216 OF 2026

THE STATE OF MAHA THROUGH ADDITIONAL CHIEF SECRETARY HOME
DEPT MUMBAI
VS
SHESHRAO KISAN PAWAR

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

Court's or Judge's orders

Mr. N.S. Rao, AGP for the State/petitioner

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 11.02.2026

1. Heard Mr. N.S. Rao, learned AGP for the State/petitioners.
2. The petitioners seek to challenge the impugned judgment dated 08.10.2025, passed by the learned Maharashtra administrative Tribunal (MAT), Nagpur in Original Application (OA) No.72 of 2017.
3. The present respondent-employee had approached the learned Tribunal challenging the order of dismissal dated 29.11.2012, passed by the employer. The said order of dismissal was confirmed in both revision and appeal by the competent authority, and thus, the order of dismissal stood upheld.
4. The learned Tribunal, while dealing with the contentions raised in the aforesaid OA, has observed in the judgment, which reads thus:

“8. The position remains that only Charge No. 1, regarding misbehaviour, was proved. Obviously, the punishment must be proportionate to the act of that misconduct. We refrain from expressing any opinion on the quantum of punishment, but we are of the considered opinion that dismissal from service, being an extreme nature, is unwarranted for an isolated act of misbehaviour. In the circumstances, the disciplinary authority needs to consider only Charge No. 1 and, after granting the applicant an opportunity of hearing, to impose appropriate punishment in accordance with law.”

5. Thus, the present respondent was dismissed from service on the basis of a departmental inquiry, in which two charges were held to be proved. Out of these, Charge No. 2, relating to the pendency of criminal cases against the respondent, has lost its significance in view of the subsequent acquittal of the respondent in all the said criminal cases.

6. In view of the above, the learned Tribunal has held that the imposition of the penalty of dismissal from service for Charge No. 1, pertaining to alleged misbehavior, is disproportionate to the gravity of the misconduct proved and accordingly, the Tribunal has remanded the matter back to the Disciplinary Authority for reconsidering the penalty imposed on the respondent in view of the aforesaid facts.

7. The learned Tribunal has directed the Disciplinary Authority to consider only Charge No.1 regarding

misbehavior, after granting an opportunity of hearing to the applicant/present respondent and impose proper punishment in accordance with law.

8. The aforesaid exercise is directed to be completed within eight weeks from the date of uploading of the said order. The said order is under challenge before this Court.

9. In view of the above, the learned AGP could not point out any perversity in the findings recorded by the learned Tribunal. Accordingly, the writ petition stands **dismissed**.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)