

O.A. 216 / 2020 with C.A. 107/2020 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 30/03/2020.

Heard Shri D.S. Sawarkar, learned counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The inquiry is completed and affirmative findings are recorded by the Inquiry Officer on the charges. The Disciplinary Authority has accepted the report of the Inquiry Officer and issued show cause notice dated 24/02/2020 calling upon the applicant why he should not be removed from the service. The applicant is claiming relief to quash the show cause notice on the ground that the inquiry is null and void as the charges were not proved on the strength of the evidence. We think it is not a suitable case to express any view on this contention.

3. In view of this, we direct to issue notice to the respondents returnable **after four weeks.** Learned C.P.O. waives notice for the State. Hamdast allowed.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.