

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 45 OF 2012**

**DISTRICT : MUMBAI**

Jayashree V. Suryawanshi, )  
Occ-Senior Clerk, )  
R/o: J,15/7, Barvenagar, )  
Ghatkoopar (W), Mumbai 400 084. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through Pradan Sachiv, )  
Water Supply and Sanitation Dept, )  
Mantralaya, Mumbai 400 032. )  
2. Director, )  
Groundwater Survey & Development )  
Agency, Maharashtra State, )  
Pune 411 005. )  
3. Dy Director, )  
Groundwater Survey & Development )  
Agency, Konkan Division, )  
Navi Mumbai. )...**Respondents**

Miss T.S. Kadam, holding for Shri R.S Kate, learned advocate for the Applicant.

Shri A.J. Chougule, learned Presenting Officer for the Respondents.

**CORAM : Dr Justice S. Radhakrishnan (CHAIRMAN)**  
**Shri Rajiv Agarwal (VICE-CHAIRMAN)**

**DATE : 25.06.2013**

**PER : Shri Rajiv Agarwal (VICE-CHAIRMAN)**

**ORDER**

1. Heard Miss T.S. Kadam, holding for Shri R.S Kate, learned advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant in this Original Application is seeking that the order dated 19.12.2011 passed by the Respondent No. 3, demoting the Applicant may be quashed and set aside.

3. The Applicant was working in the office of Respondent No. 3 as a Senior Clerk. She was placed under suspension by order dated 14.2.2011 pending a Departmental Enquiry against her. On 20.5.2011, the

Applicant filed an appeal against the aforesaid order of suspension before the Respondent No. 2. In the meanwhile, by order dated 11.5.2011, a Departmental Enquiry (D.E) was ordered by the Respondent No. 3. Shri V.S. Dhongde, IAS (Retd) was appointed as Enquiry Officer, who submitted the Enquiry Report on 12.10.2011. Out of the 5 charges levelled against the Applicant, charges No 1, 3 and 4 were found to be proved and charge No. 2 was found partly proved. Charge No. 5 was not proved. The Respondent No. 3 by order dated 1.11.2011 demoted the Applicant to the post of Junior Clerk.

4. Learned Advocate Ms Kadam argued that the suspension and D.E against the Applicant were not justified and were ordered against her as she pointed out irregularities in the working of the Respondent No. 3. She contended that a very harsh punishment of demotion has been awarded to the Applicant on the charges which were not serious. She also pointed out various shortcomings in conducting the Departmental Enquiry against the Applicant.

5. Learned Presenting Officer Shri A.J. Chougule, on behalf of the Respondents argued that the Departmental Enquiry was ordered against the Applicant for indiscipline and insubordination. A retired I.A.S Officer was appointed as Enquiry Officer who found 3 out of 5

charges levelled against the Applicant as proved. One charge was held to be partly proved. A detailed charge sheet was issued to the Applicant and she was given every opportunity to defend herself. Learned Presenting Officer argued that the Applicant had preferred an appeal against the order dated 1.11.2011 demoting her before the Respondent No. 2, which is still pending. The Applicant has approached this Tribunal before the decision on the appeal filed by her before the Competent Authority has been given. Learned Presenting Officer, argued that the Applicant has evidently approached this Tribunal before exhausting all the remedies available to her and the present Original Application is not maintainable.

6. We find that the Applicant has admitted that she has preferred an appeal against order dated 1.11.2011 passed against her in the Departmental Enquiry. The said appeal has not yet been decided and is pending with the Respondent No. 2. Learned Counsel for the Applicant has prayed that the Respondent No. 2 may be directed to dispose of the appeal preferred by the Applicant expeditiously as she is retiring by the end of August, 2013.

7. In view of the above facts and circumstances, the present Original Application is disposed of with the following directions:-

- (i) The Applicant can file additional grounds in the appeal filed by her before the Respondent No. 2 within a period of 15 days from the date of this order,
- (ii) The Respondent No. 2 will pass a reasoned order in the matter within 3 months thereafter and communicate the same to the Applicant.

In the circumstances, there will be no order as to costs.

**(Dr. S. Radhakrishnan.J)**  
**Chairman**

**Place : Mumbai**  
**Date : 25.06.2013**  
**Typed by : A.K. Nair.**

**(Rajiv Agarwal)**  
**Vice-Chairman.**