MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.702/2022 (D.B.)

Dr. Kailash Kashinath Vairalkar,
Aged about 59 years, Occ. Retired,
Residing at Post Kinhola,
Panhera (Khedi), Tq., Motala,
District : Buldhana.

Applicant.

Versus

1. The State of Maharashtra,
   Through its Secretary,
   Department of Public Health,
   Mantralaya, Mumbai.

2. Director of Health Services,
   Arogya Bhawan, St. George Hospital Campus,
   Near C.S.T. Mumbai.

3. The Chief Executive Officer,
   Zilla Parishad, Buldhana,

4. District Health Officer,
   Zilla Parishad, Buldhana.

Respondents.

Shri N.S.Warulkar, Ld. Counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for respondents 1, 2 & 4.
None for the respondent no.3.

Coram:- Hon'ble Shri Justice Vinay Joshi, Vice Chairman &
Hon'ble Shri Nitin Gadre, Member (A).
Dated: - 04th August, 2026.

JUDGMENT

Heard finally, with the consent of both learned counsels.

2. The applicant has initially *inter alia* challenged the departmental enquiry vide charge sheet dated 26.05.2020, along with Corrigendum dated 18.08.2021, on the ground of inordinate delay. The applicant would submit that the charge sheet pertains to the incidents during the period from 2009 to 2017, and it was served few days prior to the retirement of the year 2020. It reveals from the record that, the Enquiry Officer has forwarded his report to the Disciplinary Authority on 12.02.2025 on which after one year, i.e., on 13.02.2026, the Disciplinary Authority has issued notice to the applicant by agreeing with the findings recorded by the Enquiry Officer. The applicant has forwarded his explanation on 30.03.2026,

which was received by the Authority on 09.04.2026, and the proceeding is pending at this stage.

3. It is evident from the enquiry report that the applicant was charged on two counts, i.e., operating the account singly against the directions to operate the account jointly, and the second charge was pertaining to misappropriation. After enquiry, it was held that charge pertaining to misappropriation was not proved to which the Disciplinary Authority agreed. As regards to the first charge it was stated to be partially proved thus the proved charge was in the nature of irregularity of not operating joint account against the directions.

4. Vide communication dated 23.04.2026, the Authority has sought two months time to complete the enquiry. The period of two months is already over from the communication but there is no progress. In the circumstances, we direct the respondent department to complete the enquiry by passing final order within two months from today, failing which enquiry proceedings stand quashed and set aside. Needless to say that, if enquiry is quashed, then applicant is entitled for all retiral benefits as permissible under law.

5. **The Original Application stands disposed of in above terms.** All contentions are kept open. No order as to costs.

(Nitin Gadre)
Member(A)

(Justice Vinay Joshi)
Vice Chairman

Dated – 04/08/2026
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno	:	Raksha Shashikant Mankawde.
Court Name	:	Court of Hon'ble Vice Chairman & Hon'ble Member (A).
Judgment signed on and pronounced on*	:	04/08/2026.