



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

सोमवार, फेब्रुवारी ७, १९९४/माघ १८, शके १९१५

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग चार

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम

अनुक्रमणिका

MAHARASHTRA ORDINANCE No. IV OF 1994.— An Ordinance further to amend the Maharashtra Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1986.

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GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Bombay 400 032, dated the 7th February 1994.

MAHARASHTRA ORDINANCE No. IV OF 1994.

AN ORDINANCE

to further to amend the Maharashtra Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1986.

WHEREAS both Houses of the State Legislature are not in session;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1986, for the purposes hereinafter appearing;

Mah.
XXIX
of
1986.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Maharashtra Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) (Amendment) Ordinance, 1994.

(2) It shall come into force at once.

2. *Amendment of section 2 of Mah. XXIX of 1986.*—In section 2 of the Maharashtra Departmental Inquiries (Enforcement of Attendance of Witnesses and Mah. Production of Documents) Act, 1986 (hereinafter referred to as the “principal XXIX Act”), after the word “inquiry” the words “or any preliminary inquiry” shall be inserted. ^{of 1986.}

3. *Amendment of section 3 of Mah. XXIX of 1986.*—In section 3 of the principal Act,—

(a) in clause (b), after the word “means” the words “an officer or authority who intends or is directed to hold any preliminary inquiry or” shall be inserted;

(b) after clause (c), the following clause shall be inserted, namely :—

“(c-i) “preliminary inquiry” means an inquiry held to collect the material facts and evidence to ascertain the truthfulness or otherwise of the allegations made against any person referred to in section 2, so as to enable the authority concerned to decide whether or not there exists a *prima facie* case to order holding of a departmental inquiry against such person;”.

4. *Insertion of section 6A in Maharashtra XXIX of 1986.*—After section 6 of the principal Act, the following section shall be inserted, namely :—

“6A. The provisions of sections 4, 5 and 6 shall apply *mutatis mutandis* to the preliminary inquiry and the Inquiring Authority who is intending or is directed to hold preliminary inquiry shall exercise the same powers as the Inquiring Authority holding departmental inquiry exercises.”

Application of provisions of sections 4, 5 and 6 to preliminary inquiry.

STATEMENT

The Maharashtra Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1986, provides for the enforcement of attendance of witnesses and production of documents in departmental inquiries. Before ordering holding of any departmental inquiry it is usually found essential to collect material facts and evidence in respect of the truthfulness or otherwise of the allegations made against any employee or officer and for that purpose to hold a preliminary inquiry so as to take appropriate decision with regard to holding or not holding of a departmental inquiry. With a view to enabling the Inquiring Authority holding a preliminary inquiry to effectively collect such material facts and evidence it is considered necessary to make similar provisions as are obtaining in the case of enforcement of attendance of witnesses and production of documents in a departmental inquiry.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1986, for the purposes aforesaid, this Ordinance is promulgated.

Bombay,

Dated the 4th February 1994.

P. C. ALEXANDER,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

SHANTA SHASTRI,
Secretary to Government.