

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 251 OF 2022

DISTRICT:- AHMEDNAGAR

Vikas Doulatrao Wagh,
Age 52 years, Occu: Service as PI,
Under Suspension with his last posting)
Economic Offence Wing, Ahmednagar)
Tal: Ahmednagar, Dist.- Ahmednagar.

APPLICANT.

V E R S U S

1. The State of Maharashtra,
Through its Principal Secretary,
Home Department,
Mantralaya, Mumbai-32.
2. The Director General of Police,
Maharashtra State,
Police Headquarter, Old Council Hall,
Shahid Bhagat Singh Marg,
Colaba, Mumbai – 400 001.
3. The Special Inspector General of Police,
Nashik Range, Nashik, “Dakshta”
Building, Gadkari Chowk, Nashik,
Tq. & Dist. Nashik – 422 002
4. The Superintendent of Police,
Ahmednagar, State Highway 60,
Near DSP Chowk, Mukundnagar,
Ahmednagar,
Tq. & Dist. Ahmednagar – 414 001. ..

RESPONDENTS

APPEARANCE : Shri S.U. Chaudhari, learned counsel for
the applicant.

: Shri V.R. Bhumkar, learned Presenting
Officer for the respondent authorities.

CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN

DATE : 18.04.2023

ORAL ORDER

Heard Shri S.U. Choudhary, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicant has been suspended vide order passed on 8th October, 2020 on the ground that crime has been registered against him for the offences punishable under Sections 376(2) (a), 313, 323, 504 and 506 of the IPC. Having regard to the nature of offences alleged against the applicant, the applicant came to be suspended by the aforesaid order. The applicant has filed the present O.A. for quashment of the said order of suspension and further direction to reinstate him on the post from which he was suspended.

3. The respondents have resisted the contentions raised in the present Original Application and the prayers made therein. The respondents have placed on record the particulars as about the offences registered against the applicant and the minutes of the meeting held on 18th February, 2023, wherein the order of suspension passed against the applicant was reviewed by the Review Committee and the decision has been taken for continuing the suspension. Minutes of the said meeting reveals

that subsequent to registration of C.R. No. 6007/2020 registered on 29.9.2020 one more Crime has been registered against the applicant at Tofkhana Police Station for the offences punishable under Sections 376, 427, 323, 504 & 506 of IPC. In both matters the charge-sheet has been filed. Having regard to the nature of the offences, the respondents have resolved to continue the suspension of the applicant. Learned counsel for the applicant sought to contend that the offences registered against the applicant are false and the complainant is habitual. It is further contended that in other cases the charge-sheet has not been filed for want of evidence and 'B' summary has been submitted. Learned counsel further pointed out that the alleged offences are registered at Police Station Ahmednagar and now the applicant has been transferred at Dhule. In the circumstances, according to him, there is no need of continuing the suspension of the applicant. In the circumstances, the learned counsel prayed for directing the respondents for revoking the order of suspension.

4. Learned Presenting Officer has strongly resisted the contentions raised on behalf of the applicant. Learned P.O. submitted that having regard to the nature of charges and the offences registered against the applicant, the respondents have

taken a conscious decision to keep the applicant away from the duties and have continued the suspension. Insofar as payment of the subsistence allowance is concerned, the learned P.O. submitted that subsistence allowance is being paid in accordance with the provisions under law i.e. Rule 68 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981. The contention is disputed by the learned counsel for the applicant. Learned counsel for the applicant submitted that the applicant is not in receipt of more than 50% of the amount by way of subsistence allowance.

5. After having considered the facts and circumstances in the present matter it is quite apparent that there is no case for the applicant for quashment of the order of suspension. In oral submission the request was made for revocation of the suspension on the ground that the applicant is now transferred at Dhule. Both the requests cannot be considered for the reason that it is within complete domain of the respondents to take a decision in such matter. When the review committee has taken a conscious decision, unless it appears arbitrary, no interference can be caused in such decision. In the circumstances insofar as, aforesaid prayers are concerned, no

case is made out by the applicant. However, grievance about the amount of subsistence allowance is concerned, the respondents shall ensure that the subsistence allowance is being regularly paid to the applicant in consonance with the provisions of law. If such amount had not been paid fully and there are certain arrears, the respondents shall pay all the arrears within 4 weeks from the date of this order and continue to pay the subsistence allowance at the rate admissible under the rules in that regard.

6. The Original Application stands disposed of with the aforesaid terms. There shall be no order as to costs.

VICE CHAIRMAN

O.A.NO.251-2022 (SB)-2023-HDD-suspension