

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABA**

**ORIGINAL APPLICATION NO. 430 OF 2019**

**DISTRICT: - AURANGABAD.**

**Ramesh S/o Rangnath Chavan,**

Age : 51 years, Occu.: Talathi,

(Under suspension)

Presently attached to the

Tahsil Office, Khultabad,

Tq. Khultabad,

Dist. Aurangabad.

.. APPLICANT.

**V E R S U S**

**1. The State of Maharashtra,**

Through its Secretary,

Revenue and Forest Department,

Mantralaya, Mumbai-32.

**2. The Divisional Commissioner,**

Commissioner Office,

Aurangabad-431003

**3. The Collector Aurangabad**

Collector Office Campus,

Aurangabad-431003

**4. The Sub Divisional Officer,**

Kannad, Tq. Kannad,

Dist. Aurangabad-431103.

.. RESPONDENTS.

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**APPEARANCE** : Shri A.B. Rajkar, learned Advocate for the  
applicant.

: Shri M.S. Mahajan, learned Chief  
Presenting Officer for the respondents.

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**CORAM** : **JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE** : **27.06.2019.**  
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## **ORAL ORDER**

1. Heard Shri A.B. Rajkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Applicant was suspended by the order dated 10.01.2019 issued by the respondent No. 4.
3. Case proceeds on following admitted facts :-
  - (i) Though the applicant is suspended, an enquiry has not been commenced or completed.
  - (ii) Applicant's case is not put up before competent committee for review of suspension.
4. Learned Advocate for the applicant has relied on the judgment dated 16.10.2018 delivered by this Tribunal at Principal Seat, at Mumbai in O.A. No. 269/2018 (Shri Hiralal Rama Jadhav Vs. the State of Maharashtra & Ors.).
5. In the said O.A. No. 269/2018 this Tribunal took a view that though the law as laid down by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India through its Secretary & Anr. [(2015) 7 SCC 291]**, tends to hold that the suspension would stand automatically revoked after 90 days from its commencement, the power of Government to take a decision to

continue the suspension depending on facts of case continuous to be protected / saved due to statutory rules.

6. In the course of hearing, the learned Advocate for the applicant states that the present applicant would be satisfied if this case is decided on the line of para 17 of judgment of the Tribunal in O.A. no. 269/2018 (supra). Para 17 of the said judgment reads thus :-

*“17. In the event decision is not taken within two weeks from the date of this order, it shall be deemed that the suspension stands revoked and Applicant shall be deemed to have been reinstated, pending enquiry. In this eventuality Applicant shall report in the office of Inspector General of Prisons for detailed order of posting to any post, as may be chosen by the Government, which be given within ten days from date of deemed reinstatement. If posting is not given, Applicant shall continue to be posted in the office of Director General of Police and Inspector General of Prisons and shall be paid his salary and allowances from said establishment.”*

(quoted from judgment dtd. 16.10.2018 delivered by the Tribunal at Mumbai in O.A. No. 269/2018 (Shri Hiralal Rama Jadhav Vs. the State of Maharashtra & Ors.))

7. Insofar as the present applicant is concerned, this Tribunal is of the view that the judgment dated 16.10.2018 delivered by the

principal seat of this Tribunal at Mumbai in O.A. no. 269/2018 (Shri Hiralal Rama Jadhav Vs. the State of Maharashtra & Ors.) is very well applicable.

8. In the circumstances, I pass the following order :-

**ORDER**

(i) The present Original Application is disposed of without any order as to costs.

(ii) The concerned respondents are directed to take a conscious decision as regards continuation or revocation of suspension of the applicant within 30 days from today.

(iii) In case respondents fail to take conscious decision as regards continuation of suspension of the applicant, the applicant would be deemed to be revoked and its formal compliance be done within the period of 2 weeks thereafter i.e. 6 weeks from today.

(iv) Respondents shall be free to give posting to the applicant after reinstatement in the event he get the benefit of deemed revocation.

(v) If decision to continue the suspension is taken by the respondents, the applicant is free to avail remedies available to him.

**(A.H. JOSHI)**  
**CHAIRMAN**

**Place : Aurangabad**

**Date : 27.6.2019.**