

*Thakur*

[Spl/MAT/F-5/E]

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

No.MAT/MUM/JUD/ 3671 /2017  
Maharashtra Administrative Tribunal,  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date : 22 SEP 2017

**MISC APPLICATION NO. 402 OF 2017  
IN  
ORIGINAL APPLICATION NO. 859 OF 2017**

- 1 Shri Venkat Govind Mekale,  
C/o. Mrs. Punam Mahajan, Advocate for the Applicant.

**...APPLICANT/S.**

V/s.

- 1 State of Maharashtra,  
Through Chief Secretary,  
Mantralaya, Mumbai 32.

- 2 The Additional Chief Secretary,  
Finance Department Madam  
Kama Marg, Hutatma Rajguru  
Chowk, Mantralaya,  
Mumbai 32.

**....RESPONDENTS**

**Copy to :** The C.P.O. M.A.T., Mumbai.

*The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 18<sup>th</sup> day of **September, 2017** has made the following order:-*

**APPEARANCE** ∴ Mrs. Punam Mahajan, Advocate for the Applicant.  
Ms. S. Suryawanshi, P.O. for the Respondents.

**CORAM** : **HON'BLE SHRI. R.B. MALIK, VICE-CHAIRMAN.**

**DATE** : **18.09.2017.**

**ORDER** : Order Copy Enclosed/Order Copy Over Leaf

*Amal*  
22/9/2017  
Research Officer,  
Maharashtra Administrative Tribunal,  
Mumbai.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO.402 OF 2017  
IN  
ORIGINAL APPLICATION NO.859 OF 2017**

Shri Venkat G. Mekale. )...Applicant

**Versus**

1. The State of Maharashtra & Anr. )...Respondents

**Mrs. Punam Mahajan, Advocate for Applicant.**

**Ms. S. Suryawanshi, Presenting Officer for Respondents.**

**P.C. : R.B. MALIK (VICE-CHAIRMAN)**

**DATE : 18.09.2017**

**ORDER**

1. This Misc. Application can be disposed of at this stage itself. I have perused the record and proceedings and heard Mrs. Punam Mahajan, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer (PO) for the Respondents.

2. The learned PO wanted time to file the Affidavit-in-reply, but regard being had to the nature and facts of



the MA and a Circular to which a reference will be presently made, I do not consider it necessary to protract this MA.

3. The Applicant a suspended Deputy Commissioner of Sales Tax is posted at the time of suspension at Mazgaon. The order of suspension provides *inter-alia* that his posting during the period of suspension would be at Raigad. He impugns this particular part of the order of suspension and seeks a direction that he be posted at Mazgaon only during the period of suspension. My attention is invited to a GAD Circular dated 19<sup>th</sup> March, 2008 with particular reference to Para 2 thereof. It may safely be reproduced hereinbelow.

“An officer under suspension is regarded as subject to all other conditions of service applicable generally to Government servants and cannot leave the station without prior permission. As such the headquarter of a government servant should normally be assumed to be his last place of duty. However, where an individual under suspension requests for a change of headquarters, there is no objection to a competent authority changing the headquarters, if it is satisfied that such a course will not put Government to any extra expenditure like grant of T.A. etc. or any other complication.”

4. Ms. Suryawanshi, the learned PO had in the morning session requested the matter to be kept back

because according to her, there was another Circular which was contrary to the one above referred to. She now relies upon a GAD G.R. of 14<sup>th</sup> October, 2011 but that is applicable when the suspended employee is reinstated after the suspension is rescinded and the issue of his posting comes up for consideration. That is not applicable to the present facts. A direction that the Applicant should not, during the period of suspension try to interfere with the contemplated enquiry can be given.

5. The Misc. Application is accordingly allowed. The Applicant be reposted at Mazgaon within a period of one week from today with a direction that he should not interfere with the enquiry, if it goes underway in any manner whatsoever. No order as to costs. Hamdast.

*sd/*  
**(R.B. Malik)**  
**VICE-CHAIRMAN**  
**18.09.2017**

*18.9.17*

Mumbai  
 Date : 18.09.2017  
 Dictation taken by :  
 S.K. Wamanse.

D:\SANJAY WAMANSE\JUDGMENTS\2017\9 September, 2017\M.A.402.17 in O.A.859.17.w.9.2017.doc

TRUE COPY

*Malik*  
*22/9/2017*  
 Asstt. Registrar/Research Officer  
 Maharashtra Administrative Tribunal  
 Mumbai