

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 19 of 2023 (S.B.)

Ramnath Shambhunath Chaudhary,
Aged 54 years, Occ. Service,
R/o 4, Shukla Nagar, Manewada Ring Road,
Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary, Department of Home,
Mantralaya, Mumbai-32.
- 2) Commissioner of Police, Nagpur,
Civil Lines, Nagpur.
- 3) Deputy Commissioner of Police, Nagpur
Civil Lines, Nagpur.

Respondents.

S/Shri R.V. , N.R. Shiralkar, A. Motlag, Advs. for the applicant.
Shri M.I.Khan, learned P.O. for respondents.

Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated :- 20/04/2023.

J U D G M E N T

Heard R.V. Shiralkar, learned counsel for the applicant
and Shri M.I. Khan, learned P.O. for the respondents.

2. The applicant was working as a Head Constable. He
demanded bribe for registration of Crime. The Anti Corruption Bureau
registered Crime against the applicant and arrested him for the
offence punishable under Section 7 of the Anti Corruption Act,1988 on

09/05/2020. The applicant was suspended as per order dated 09/05/2020.

3. The respondents have issued charge sheet on 16/08/2022. The charge sheet was issued after 90 days. The respondents have continued the suspension. It is contention of the applicant that suspension is to be revoked. Therefore, he approached to this Tribunal for the following reliefs –

“ (A) Quash and set aside the order dated 9/5/2022 issued by the respondent no.3 vide which the applicant came to be suspended.

(B) Direct the respondents to immediately reinstate the applicant on the post of Head Constable.”

4. The O.A. is strongly opposed by the respondents. It is submitted that the Charge sheet is served to the applicant, therefore, suspension cannot be revoked. It is also submitted that suspension is continued by specific orders on 30/05/2022, 05/08/2022, 12/10/2022 and lastly on 05/01/2023. As last submitted that the O.A. is without any merit and hence liable to be dismissed.

5. During the course of argument, the learned Counsel for applicant has submitted that there is no specific order for review. He has pointed out G.R. dated 09/07/2019. At last submitted that the respondents have to pass reasoned order for continuation of suspension. No such reasoned order was passed by the respondents.

Hence, the respondents shall be directed to review the suspension as per G.R. dated 09/07/2019. The Id. P.O. submitted that departmental inquiry is going on and therefore suspension cannot be revoked.

6. The Government of Maharashtra has passed the G.R. 09/07/2019 after the judgment of Hon'ble Supreme Court in the case Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another**, the Government of Maharashtra has taken following decision –

- i) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेऊन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) नक्षम प्राधिका-याच्या स्तरावर घेण्यात यावा.
- ii) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांचा कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा. सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करून दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसांच्या आत काटेकोरपणे केली जाईल याची दक्षता/ खबरदारी घेण्यात यावी.
- iii) फौजदारी प्रकरणात विशेषतः लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करून दोषारोप पत्र बजावणेबाबत आवश्यक तो अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधित प्रशासकीय विभागास उपलब्ध करून देणे आवश्यक राहिल.

7. From the perusal of order passed by respondents about the review of suspension on 30/05/2022, 05/08/2022, 12/10/2022 and lastly on 05/01/2023, it appears that no any reasoned order was passed by respondents. The learned Counsel for applicant has submitted that the respondents be directed to pass a reasoned order

by reviewing suspension period. Looking to the submission, following order is passed –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to review suspension period of applicant strictly as per the guidelines given in the G.R. dated 09/07/2019.
- (iii) No order as to costs.

Dated :- 20/04/2023.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 20/04/2023.