

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 739 of 2022 (S.B.)

Sandeep S/o Dadarao Chilkar,
Aged about 41 years, Occ. Service,
Presently working as Range Forest Officer,
Social Forestry Range, Telhara, Dist. Akola.

Applicant.

Versus

- 1) Principal Chief Conservator of Forest,
State of Maharashtra, Nagpur Civil Lines, Nagpur.
- 2) Conservator of Forests,
Social Forestry Division, Amravati Circle, Amravati.
- 3) Divisional Forest Officer,
Social Forestry Department, Akola Division,
Akola.
- 4) State of Maharashtra,
through Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai.

Respondents.

S/Shri S.A. Marathe, A.P. Murrey, Advocates for the applicant.
Shri V.A. Kulkarni, learned P.O. for the respondents.

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

Dated :- 02/01/2023.

JUDGMENT

Heard Shri S.A. Marathe, learned counsel for the applicant
and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The matter is decided finally at the stage of admission with
the consent of learned counsel for both the parties.

3. The applicant has approached to this Tribunal for the following reliefs –

“(i) Quash and set aside the impugned suspension order dated 08/03/2022 issued by the respondent no.3;

(ii) Direct the respondent no.2 to revoke the applicant’s suspension order dated 08/03/2022 and reinstate him in service on the post held by him;

(iii) Quash and set aside the Memorandum of Charge Sheet dated 29/06/2022;

(iv) By an ad-interim ex-parte order, direct the respondents to release applicant’s suspension allowance immediately; ”

4. The learned counsel for the applicant submits that he is not pressing for relief of prayer clause no.(iii). Hence, the matter is decided in respect of the revocation of suspension order dated 08/03/2022 and for payment of subsistence allowance.

5. The applicant is working as a Range Forest Officer (RFO). On 06/03/2022, the Divisional Forest Officer (DFO) inspected 3 social forestry plantation sites in Telhara range and pointed out some shortcomings. The applicant had given explanation to the show cause notice dated 09/03/2022. The Divisional Forest Officer (DFO) (R/3) suspended the applicant on 08/03/2022. The respondents have served the charge sheet to the applicant on 29/06/2022.

6. The respondents have not revoked the suspension after completion of 90 days from the date of suspension order. Hence, the applicant approached to this Tribunal.

7. The suspension order is dated 08/03/2022. There is no dispute that charge sheet was served to the applicant on 29/06/2022 i.e. after 90 days from the date of suspension order. In view of the Judgment of Hon'ble Supreme Court in 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 suspension is to be revoked after completion of 90 days. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The suspension order dated 08/03/2022 is hereby revoked.
- (iii) The respondents are directed to pay subsistence allowance during the suspension period, if not paid.
- (iv) The respondents to comply the order within a period of one month from the date of receipt of this order.
- (v) No order as to costs.
- (vi) Steno copy is granted.

Dated :- 02/01/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

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 : 02/01/2023.*