

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 1004 of 2022 (S.B.)**

Avinash s/o Maroti Chauhan  
Age- 31 yrs, Occ- Service  
Rio Vidyanagri, ward no.05,  
Gadchandur, Tahsil-Korpana,  
District – Chandrapur.

**Applicant.**

**Versus**

1. State of Maharashtra through its Secretary,  
Department of Soil and Water conservation,  
Mantralaya, Mumbai- 32.
2. Commissioner,  
Soil and water Conservation Department,  
Walmi Parisar Kanchanwadi, Aurangabad.
3. Regional Water Conservation Officer,  
Civil Lines, Nagpur.
4. District Water Conservation Officer,  
Old Collector Bungalow, Civil Lines, Chandrapur.
5. Sub-Divisional Water conservation Officer,  
Soil and Water conservation, Sub-Division Rajura  
Administrative Building, Rajura, Chandrapur.

**Respondents.**

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**S/Shri P.S. Khubalkar, S.S. Chauhan, V. Pandey, Advocates for  
the applicant.**

**Shri A.M.Ghogre, learned P.O. for the respondents.**

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

**Dated :- 03/01/2023.**

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**JUDGMENT**

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

2. The applicant has challenged the impugned order of suspension dated 21/05/2020. As per the submission of learned counsel for the applicant, the charge sheet is not served within 90 days and therefore the suspension order is to be revoked. In support of his submission relied on the decision 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 learned counsel for applicant has also pointed out the Govt. G.R. dated 09/07/2019 (A-13,P-40).

3. Heard Shri A.M. Ghogre, learned P.O. for the respondents. From the perusal of the impugned order, it appears that it is dated 21/05/2020. Hon'ble Supreme Court in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another** Civil Appeal No. 1912 of 2015, decided on 16/02/2015, has held that the suspension period after 90 days cannot be continued. On the basis of the Judgment of Hon'ble Supreme Court, the Government of Maharashtra issued the G.R. dated 09/07/2019 and given the guidelines to the concerned Administrative Officer directing them not to continue the suspension after 90 days and suspension is to be revoked after

completion of 90 days. It appears that the impugned order was passed on 21/05/2020 and since then the applicant is under suspension, no any charge sheet was issued within 90 days. Hence, the impugned suspension order dated 21/05/2020 is liable to be quashed and set aside. Hence, the following order –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The impugned order of suspension dated 21/5/2020 is hereby revoked.
- (iii) The respondents are directed to reinstate the applicant within a period of one month from the date of receipt of this order.
- (iv) No order as to costs.

**Dated** :- 03/01/2023.

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 : 03/01/2023.