

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 1161 of 2022 (S.B.)**

Hanumant Jagannath Nazirkar,  
Aged about    years, R/o H-26,  
Swapanashilp H-5, Near Gandhi Lawns, Kothrud, Pune.

**Applicant.**

**Versus**

- 1) State of Maharashtra through its  
Secretary, Urban Development Department,  
Mantralaya, Mumbai.
- 2) Director,  
Office of Town Planning & Valuation Directorate,  
Maharashtra State, Pune.

**Respondents.**

---

**Shri N.R. Saboo, Advocate for the applicant.**  
**Shri M.I. Khan, learned P.O. for respondents.**

---

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

**Dated :- 11/01/2023.**

---

**JUDGMENT**

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

2.           The matter is decided finally with the consent of learned  
counsel for parties.

3.           The case of the applicant in short is as under -

The applicant is working as a Joint Director of Town  
Planning. He is suspended as per order dated 10/03/2021. The  
respondents have not given any charge sheet about the misconduct to

the applicant. It is the case of applicant that even after 90 days, the suspension is not revoked.

4. As per the submission of learned counsel for applicant Shri N.R. Saboo, the Government of Maharashtra has issued G.R. dated 09/07/2019. As per 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**, decided on 16/02/2015, the Government of Maharashtra has taken a decision not to continue the suspension after 90 days.

5. The applicant had stated on affidavit that he was arrested and was released on bail. The respondent has issued the suspension order dated 10/03/2021. That suspension is to be revoked automatically in view of the G.R. dated 09/07/2019.

6. The Hon'ble Supreme Court in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another** (cited above) has held that the suspension shall not continue after 90 days, if the charge sheet is not given to the delinquent employee.

7. In the present case, the applicant was suspended as per order dated 10/03/2021. The Government has issued the G.R. dated 09/07/2019. As per the G.R., the following guidelines are given—

**शासन निर्णय -**

9. या अनुषंगाने शासकीय कर्मचा-यांच्या निलंबनाचा आढावा घेण्यासंदर्भात पुढीलप्रमाणे सूचना देण्यात येत आहेत.
- 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 घेउन 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.

8. In view of the Govt. G.R. and Judgment of Hon'ble Supreme Court in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another** (cited above), the following order is passed –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The suspension order dated 10/03/2021 is hereby revoked.
- (iii) No order as to costs.

**Dated** :- 11/01/2023.

**(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 : 11/01/2023.\*