

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 222 of 2022 (SB)**

Laxman Abasaheb Bhosale,  
Age 51 years, Occ. Service,  
R/o Office of Deputy Inspector,  
Dy. Stamp Controller, Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Department of Revenue,  
Mantralaya, Mumbai-32.
- 2) Inspector General of Registration  
and Controller of Stamp, Ground Floor, New  
Administrative Building, Bund Garden Road,  
Opposite Vidhan Bhavan, Agarkar Nagar, Pune.

**Respondents.**

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**S/Shri R.V. and N.R. Shiralkar, Advocates for the applicant.**

**Shri A.M. Khadatkhar, P.O. for respondents.**

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**Coram :- Hon'ble Shri M.A. Lovekar,  
Member (J).**

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**Date of Reserving for Judgment : 12<sup>th</sup> April, 2022.**

**Date of Pronouncement of Judgment : 20<sup>th</sup> April, 2022.**

**JUDGMENT**

**(Delivered on this 20<sup>th</sup> day of April, 2022)**

Heard Shri R.V. Shiralkar, learned counsel for  
applicant and Shri A.M. Khadatkhar, learned P.O. for  
respondents.

2. Case of the applicant is as follows –

The applicant was posted as Joint Sub Registrar, Haveli no.14, Pune. Initiation of departmental enquiry against him was contemplated. By order dated 28/07/2021 (Annex-A-1) respondent no.2 placed him under suspension. A copy of charge sheet (Annex-A-2) was served upon the applicant on 20/10/2021. By order dated 10/02/2022 (Annex-A-3) respondent no.2 appointed District Registrar (Class-II) and Administrative Officer, Pune as the Enquiry Officer. The enquiry, however, did not progress. The applicant, therefore made representations dated 01/11/2021 and 02/12/2021 (Annex-A-4 collectively) to respondent no.2 to revoke his suspension since it was stretched beyond 90 days. Respondent no.2, did not act upon these representations. Under these circumstances the impugned order placing the applicant under suspension (Annex-A-1) deserves to be revoked at once.

3. Reply of respondent no.2 is at pages 42 to 49. In this reply the charges against the applicant in departmental enquiry have been briefly set out to support the impugned order. In para-13 of reply it is pleaded -

*“ (13) It is submitted that the Enquiry Officer appointed by respondent no.2 on 10/02/2022 and as per G.R. dated*

*26/05/2006 Annexure-A and Condition No.16. It is mentioned that after appointing Enquiry Officer, Enquiry Officer should submit his enquiry report within six months. As Enquiry Officer appointed on 10/02/2022, he has time upto to 09/08/2022 to submit his enquiry report. So the present Original Application is premature and applicant should face the Departmental Enquiry. There is no delay on the part of respondent no.2.*

In para-14 it is stated -

*(14) It is submitted that, the conduct of applicant is not as per rules and regulations for Government Employee, Government appointed special team found various document registered by applicant which violates provisions of RERA Act and Fragmentation Act. After issuing circular dated 12/07/2021 by respondent no.2, applicant deliberately ignoring the instructions given in circular registered 20 documents within short period 13/07/2021 to 22/07/2021. This shows the attitude of applicant towards his duty. This type of misconduct by the applicant is not tenable. It is submitted that, there is time limit upto 09/08/2022 for Enquiry Officer to submit his report.”*

4. The only question which arises in the matter is whether suspension of the applicant beyond 90 days, in the absence of an order extending the same by recording reasons can be sustained. In view of what is held in “Ajay Kumar Choudhary Vs. Union of India through its Secretary & Ano.” this

question will have to be answered in the negative. In this case it is held -

*"21. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."*

5. On the basis of aforementioned ruling Govt. GAD G.R. dated 09/07/2019 has been issued. It stipulates -

- i) निलंबित शासकिय 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.

6. In view of the legal position mentioned above, suspension of the applicant cannot sustain. Hence, the order –

**ORDER**

- (i) The O.A. is allowed.
- (ii) Respondent no.2 shall pass the consequential order within 30 days from the date of this order.
- (iii) No order as to costs.

**Dated** :- 20/04/2022.

dnk.\*

**(M.A. Lovekar)**  
**Member (J).**

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 Member (J).

Judgment signed on : 20/04/2022.

Uploaded on : 20/04/2022<sub>ok</sub>.