

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 260 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date :

ORIGINAL APPLICATION NO. 710 OF 2015.

1. Shri Rakesh B. Sahu,
R/o. Mangeshi Shrushti Phase-2, B- Wing, Flat No. 808, Near Vasant
Vally, Wayle Nagar, Kalyan (w), Dist. Thane.

....**APPLICANT/S.**

VERSUS

- 1 State of Maharashtra, Through the Secretary, Forest Department,
Mantralaya, Mumbai. 2 The Chief Conservator (Territorial)
Thane Circle, Thane. Micro Wave
Tower, Bara Bungalow Area, Kopari,
Thane (E)-400 603.

...**RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 29th day of **January, 2016** has made the following order:-*

APPEARANCE : Shri. N.P. Dalvi, Advocate for the Applicant.
Ms. N.G. Gohad, P.O. for the Respondents.

CORAM : **HON'BLE JUSTICE SHRI J.D. KULKARNI, MEMBER (J).**

DATE : **29.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Moual
29.1.2016
**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

Date : 29.01.2016.

O.A.No.710 of 2015

1. Heard Shri N.P. Dalvi, the learned Counsel for the Applicant and Ms. M.G. Gohad, the learned Presenting Officer for the Respondents.

2. In this O.A. the Applicant had challenged his suspension vide order dated 25.05.2015. Respondent No.2 on various grounds mentioned in the application such as that the suspension is illegal, arbitrary and colourable exercise of power of Respondents, reasons for suspension are not recorded as per Rule 4(1)(c) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 and so on. The Respondents has filed the reply affidavit and tried to justify the suspension order.

3. Learned Counsel for the Applicant Shri N.P. Dalvi has placed reliance of one circular dated 14.10.2011 issued by the Government of Maharashtra which states that the case of officer under suspension shall be considered periodically for review. Learned Counsel for the Applicant submits that his client has already submitted representation and the same has not yet been considered by the Respondents. He submits that the Respondents be directed to consider the said representation dated 25.05.2015 (copy whereof is tendered, marked 'X') within the time frame limit for which the Respondents have so consented.

4. In view thereof, the application stands disposed off with directions to the Respondents to take decision of the representation filed by the applicant as regards his revocation of suspension as per Rules within one month from the date of receipt of the order and communicate the same to the applicant. Applicant shall be at liberty to approach this Tribunal in case the decision goes against him. No order as to costs.

5. Steno copy and Hamdast is allowed.

TRUE COPY

M.G. Gohad
29.1.2016

Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai

J.D. Kulkarni
(J.D. Kulkarni)
Member (J)