

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 784 of 2015

Milind S/o Kshirsagar Sonarkar,
Aged about 57 years, Occ. Service,
R/o 47, Shivraj Nagar,
Nagpur-440 027.

Applicant.

Versus

State of Maharashtra,
through Secretary,
Home Department (Transportation),
Mantralaya, Mumbai-32.

Respondents

Shri Shashibhusan Wahane, Advocate for the applicant.
Smt. S.V. Kolhe, P.O. for the respondents.

Coram:- Hon'ble Shri B. Majumdar, Vice Chairman

Dated: - 28th April, 2016.

ORDER -

Heard Shri Shashibhusan Wahane, Id. counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for the respondents. The O.A. is heard finally and decided at the admission stage with the consent of Id. counsel for the parties.

2. The applicant is a Motor Vehicle Inspector, in the office of Regional Dy. RTO, Chandrapur. He was transferred on

17-5-2014 to Hingoli. He, however, did not join. On 10-12-2015 the Govt. issued an order placing him under suspension under section 4 (1) of The Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. The applicant has challenged this order in the O.A. He was reinstated on 7-4-2016.

3. The applicant submits that the grounds on which he has been placed under suspension are either false or not sustainable, and hence the suspension is required to be revoked.

4. The R/1, the Secretary, Home (Transportation) in his reply submits that the applicant was placed under suspension to ensure that disciplinary proceedings are conducted against him in a fair and impartial manner. He did not join on his transfer place and he also failed to deposit collections from the Flag Day Fund or coupons worth Rs.30,000/- and he also handed over his service weapon (revolver) much later after he was relieved and that too, through a private person, his uncle. Thus, the applicant has committed grave misconduct.

5. Shri Shashibhusan Wahane, Id. counsel for the applicant submitted that the applicant has been placed under suspension for more than three months and no charge sheet as yet has been served on him. Hence, as per the law laid down by the Hon'ble Supreme Court in **Ajay Kumar Chaudhari Vs. Union of India**

[(AIR 2015) SC 2389], the respondents cannot continue to place him under suspension.

6. I find that after the applicant was placed under suspension on 10-12-2015 and the Govt, vide its order dated 7-4-2016, has reinstated him. The applicant on being reinstated has joined the office of Regional Dy. RTO, Chandrapur on 11-4-2016. In view of the above, the present O.A. has become infructuous and stands disposed of.

sd/-

(B. Majumdar)
Vice-Chairman.

dnk.