

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.19 OF 2021

DISTRICT : SOLAPUR

Shri Arjun Punyawant Suryawanshi.)
Age : 39 Yrs, Working as Talathi,)
R/o.A/P Velapur, Tal. Malshiras,)
District : Solapur.)**...Applicant**

Versus

1. The Sub Divisional Officer.)
 Malshiras Division, Akluj,)
 District : Solapur.)

2. The Tahasildar.)
 Tal.: Malshiras, District : Solapur.)**...Respondents**

Mr. Arvind V. Bandiwadekar, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 22.02.2021

JUDGMENT

1. In the present Original Application, the Applicant has challenged the suspension order dated 03.08.2018 whereby he was suspended in contemplation of Departmental Enquiry.

2. Today, the matter is for filing reply of Respondents.

3. However, today, the learned Presenting Officer has submitted that the D.E. is concluded and Applicant is removed from service by order dated 01.12.2020. He has also tendered the copy of order dated 01.12.2020, which is taken on record and marked by letter 'X'. He has further pointed out that the order has been served upon the Applicant on 21.12.2020 as evident from the signature of the Applicant as an acknowledgment of the order.

4. Thus, what transpires that the Applicant has already removed from service and the order is communicated to him on 21.12.2020. However, this O.A. has been filed on 07.01.2021 challenging the suspension. There is no reference or pleading whatsoever in respect of order of removal from service in O.A. Thus, apparently, the Applicant has suppressed the aspect of order of removal from service.

5. Be that as it may, in view of punishment of removal from service, the challenge to the suspension order does not survive and O.A. deserves to be disposed of.

6. Despite the aforesaid position, Shri A.V. Bandiwadekar, learned Advocate for the Applicant sought to contend that suspension being extended more than 90 days, his client is entitled for pay and allowances after expiration of 90 days' suspension period and even after final order in D.E, such relief can be granted. This submission advanced by him is totally misconceived and devoid of any merit.

7. Once the Applicant is terminated from service, the question of considering legality of suspension period and suspension order does not survive and O.A. itself has become infructuous. Such O.A. is nothing but abuse of process of law.

8. In view of above, the Original Application is dismissed with no order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai

Date : 22.02.2021

Dictation taken by :

S.K. Wamanse.

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