

O.A. No.190 of 2016 –**Coram :- Hon'ble Shri S.S. Hingne,
Member (J).****Dated :- 22-09-2016.**

ORDER -

The applicant / Tahsildar came to be suspended vide order dated 12-03-2016 (A-1,P-16) for not attending the meeting called by the Hon'ble Minister. The said order is under challenge.

2. Heard Mr. G.K. Bhusari, Id. counsel for the applicant and Mrs. S.V.Kolhe, Id. P.O. for the respondents. The O.A. is heard finally at the admission stage with consent of Id. counsel for parties.

3. The Hon'ble Revenue Minister has called the meeting on 12-03-2016 at Shegaon. The applicant was working as Tahsildar, Khamgaon. The order of suspension says that due to the absence of the applicant the Hon'ble Minister could not take the stock of water scarcity in the Khamgaon Taluka and there were complaints about the attitude of the applicant. The respondents' stand is that he had been to Shegaon to attend the meeting however, his superiors told that subject relating to Khamgaon Tahsil is not on the agenda and therefore the applicant left Shegaon. He has filed Tour Programme of

the Hon'ble Minister (A-2,P-18) wherein the meeting at Shegaon was in respect of the Shegaon development plan only. The respondent denied that the applicant had come to Shegaon and say to the superior officers that he left Shegaon. To find out truth on this point the inquiry was held by the Collector and RDC submitted the report (R/1,P-96) dated 4-7-2016 and applicant's contention is negated.

4. The applicant filed the Rejoinder contending that in the above inquiry the statement of Driver, Circle Officer who were present with the applicant are not recorded and the Log book of Govt. vehicle shows that the applicant travelled to Shegaon on that date is not considered. It is not necessary to delve upon this aspect as it is internal matter.

5. The learned counsel for the applicant urged in the communication dated 12-03-2016 (R-3,P-86) the Collector wrote to the Commissioner that the MLA and some other persons have explained the grievances against the applicant about his arrogance and not responding to the public and therefore the Hon'ble Minister has directed to suspend the applicant. The learned counsel for the applicant urged that thus the suspension is for extraneous reasons.

6. The learned counsel for the applicant submitted that the applicant is under suspension from 12-03-2016. Thus six months period is lapsed and no inquiry is initiated and considering the nature

of the allegations there is no point to continue the applicant under suspension. In support of submission reliance is placed on a case **Ajay Kumar Choudhary Vs. Union of India through its Secretary & Anr., 2015 (2) SCALE, 432.** Any how fact remains that the applicant is under suspension for last six months and no D.E. is initiated. The purpose of the putting officer under suspension can be that he should not interfere in process. Considering the nature of the allegations no interference at the instance of the applicant can be there. Moreover the applicant's contention is that subject of Khamgaon Taluka was not in agenda as per schedule of Tour Programme. Moreover, the other reasons which are reflected in the Collector's letter cannot be lost sight of. Considering all these aspects there is no point to continue the applicant. Under suspension in the light of the observations made by the Summit Court of the land in **Ajay Kumar Choudhary's** case (cited supra).

7. Consequently, the O.A. is allowed. The order of suspension needs to be quashed. The respondents are directed to revoke the suspension of the applicant within week from the date of receipt of this order.

**(S.S.Hingne),
Member (J).**