

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.196 OF 2021

DISTRICT : MUMBAI

Shri P.G. Soude)...**Applicant**

Versus

1. The Commissioner of Police for)
Greater Mumbai & Anr.)...**Respondents**

Mr. K.R. Jagdale, Advocate for Applicant.

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

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

DATE : 17.09.2021

ORDER

1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for Respondents.

2. In this O.A, the Applicant has basically challenged the suspension order dated 30.04.2012 on the ground that he is subjected to prolong suspension. Simultaneously, he has also challenged the notices dated 12.02.2021 and 04.03.2021 whereby he was asked to vacate the service quarter within seven days and interim relief was also claimed.

3. The Tribunal by order dated 12.03.2021 granted stay to the notices dated 12.02.2021 and 04.03.2021 on the ground that since the Applicant is in service though under suspension, he cannot be evicted

from service, particularly when not a single ground is mentioned in the Show Cause Notice for asking him to vacate the service quarter.

4. Today, the matter is heard at the stage of admission.

5. Thus, there are two issues in the present case. One – the legality of prolong suspension and secondly, quarter vacation notice dated 12.02.2021 and 04.03.2021. The issue of legality of eviction notice cannot be clubbed with suspension order dated 30.04.2012 since it is independent cause of action for which Applicant may avail legal remedy by filing separate O.A.

6. The learned Advocate for the Applicant, therefore, seek liberty to challenge eviction notices dated 12.02.2021 and 04.03.2021 by filing separate O.A. but prayed for continuation of interim relief by way of protection for a stipulated period. The submission is quite fair though learned P.O. opposed to continue the interim relief.

7. In view of above, liberty is granted to the Applicant to challenge eviction notice dated 12.02.2021 and 04.03.2021 independently in accordance to law and interim protection shall continue for a month from today. After lapse of one month, it will come to an end automatically without any reference to the Tribunal.

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