

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION No.210 of 2017****District : RAIGAD**

Shri Dinesh Bhaurao Nerkar)
 Age 49 years, Town Planner, Group 'A')
 Class II, and R/at. C-306, Neelkanth)
 Darshan Society, Op.Bus Depot,)
 New Panvel, Dist. Raigad.)..... Applicant

Versus

1. Divisional Commissioner, Konkan)
 Division, Konkan Bhavan, 1st floor,)
 Navi Mumbai 400 614.)
2. Regional Deputy Director, Municipal)
 Council Administration, Konkan Bhavan)
 Navi Mumbai.).....Respondents

Shri M.D. Lonkar with Shri V.V. Tare-Patil, Advocate for Applicant.
 Smt Archana B.K., Presenting Officer for Respondents.

CORAM : SHRI R.B. MALIK (MEMBER-JUDICIAL)

DATE : 16.03.2017

ORDER

1. This Original Application can best be disposed of finally at this stage itself although in the manner of speaking this the first date post lodging hereof.

2. I have perused the record and proceedings and heard Shri M.D. Lonkar with Shri V.V. Tare-Patil, the learned Advocates for the Applicant and Ms Archana B.K., the learned P.O.

3. The learned P.O. is being instructed by Smt, Manini Kamble, Superintendent, Municipal Council Administration, Konkan Bhavan, Navi Mumbai. The acknowledgement pursuant whereto the parties are present and represented is taken on record. Further, at the request of the learned P.O. the communication from Shri Sudhakar Jagtap,

Regional Deputy Director of Respondent No.2 to the C.P.O. is also taken on record.

4. The Applicant was working as a Town Planner when by the order of 20.01.2015, Exb.A, page 9 of the Paper-Book, he was placed under suspension because he was in police custody of 48 hrs. His case was placed for review before the concerned committee and as per the communication from the Leave Reserve Tahasildar in the office of Respondent No.1 to Respondent No.2 of 25.10.2016, it was made clear that for the reasons therein mentioned it was no more necessary to continue to keep the Applicant under suspension and, therefore, in accordance with the G.A.D. G.R. of 14.10.2011, clause 4(b), he be reinstated and posted in a non-executive post. Even after five months the said order has not been implemented by the Respondent No.2.

5. The learned P.O. submits that as requested in the communication of 15.03.2017, one month time needs to be granted because the concerned authority has fallen sick and is on leave.

6. It is not at all possible for me to accept the request of the learned P.O. as the five months period was even otherwise extraordinarily long and the issue of suspension of an employee cannot be taken good humour as it were. Rejecting the request of the learned P.O. I dispose of this Original Application with directions to the Respondent No.2 to implement the recommendations of the review committee within one week from today. No order as to costs.

Sd/-
(R.B. Malik)
Member (J)
16.03.2017