

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 265 of 2016**  
**WITH CIVIL APPLICATION NO.463 of 2017.**

Riyaz Ahmed Sheikh Shabbir,  
Aged about 40 years,  
Occ. Service,  
R/o Ward no.10, Malipura, Chikhali,  
Tq. Chikhali, District Buldana.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Revenue and Forest,  
Animal Husbandry, Dairy Development and Fisheries,  
Mantralaya, Mumbai-32.
- 2) The Collector (Revenue),  
District Buldana.
- 3) The Sub Divisional Officer,  
Buldana, Tahsil and District Buldana.
- 4) Tahsildar,  
Chikhali, Tahsil : Chikali,  
District Buldana.

**Respondents**

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**Shri H.D. Futane, Advocate for the applicant.**

**Shri A.M. Khadatkar, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri J.D. Kulkarni,  
Vice-Chairman (J).**

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## **JUDGEMENT**

**(Delivered on this 6<sup>th</sup> day of November,2017)**

Heard Shri H.D. Futane, Id. Counsel for the applicant and  
Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The applicant who is appointed as Talathi has been kept under suspension vide order dated 24/2/2016 issued by respondent no.3. The applicant has challenged the said order of suspension in this O.A. and has claimed that the said order be quashed and set aside and the inquiry initiated against the applicant on the basis of such allegations made in such suspension order be dropped.

3. According to the applicant he was doing service to the best of his capacity to the satisfaction of superior officers. However the respondent no.3, i.e., The Sub Divisional Officer (SDO), Buldana issued a show cause notice to him on 11/1/2016 in respect of inquiry case no. 5/2015 on the complaint made by one retired Naib Tahsildar Mr. W.H. More. Immediately within 7 days the applicant has received another show cause notice from respondent no.3 on 22/1/2016 in respect of same inquiry. It is alleged that the applicant has committed misconduct. This inquiry was on the basis of complaint made by Mr. More the retired Naib Tahsildar. On 24/2/2016 without supplying any inquiry report, the SDO suspended the applicant by adding three more allegations without calling any explanation. Being aggrieved by the

said impugned order of suspension the applicant has filed this O.A. and has claimed that the impugned order of suspension dated 24/2/2016 issued by respondent no.3, i.e., The Sub Divisional Officer (SDO), Buldana be quashed and set aside and the SDO be directed to drop the inquiry. It is further stated that the applicant has filed representation to the Hon'ble Minister against the order of his suspension, but the said representation was rejected by the Hon'ble Minister on 4/4/2016. The applicant has prayed that the order of Hon'ble Minister dated 4/4/2016 be also quashed and set aside. Along with the O.A. the applicant has also filed one application seeking direction to respondent authorities to grant him suspension allowance from the month of February,2017 and to reinstate him at the original post. The O.A. and C.A. is being disposed of by this order.

4. The respondent nos. 2&3 have submitted that the show cause notice was issued to the applicant on 11/1/2016 in inquiry case no.5/2015 on the basis of complaint of Mr. More. The applicant appeared in the said inquiry and claimed time thereafter another show cause was issued to the applicant on 22/1/2016 as some charges were added and the applicant was directed to file his written statement in defence. The applicant has every right to file statement in defence in the inquiry. Another inquiry no.7/2015 is also initiated against the applicant. The applicant however remained absent in the said inquiry.

A crime was registered against the applicant bearing no.244/2016 at Police Station, Chikhli and his bail application was rejected by the Hon'ble High Court.

5. The learned counsel for the applicant submits that the inquiry against him was initiated and he was kept under suspension on the basis complaint filed by one Mr. More, the then Naib Tahsildar. However, said Mr. More has filed affidavit before respondent no.2 and admitted that he has filed the complaint under mental pressure. He submitted that he had undergone bye pass surgery and was under tremendous mental pressure and under such pressure he has filed complaint against the applicant. Mr. More also submitted that the proceeding against the applicant be withdrawn. In my opinion whether Mr. More has turned hostile or not is a matter to be considered by the competent authority while conducting departmental enquiry against the applicant.

6. From the reply-affidavit it seems that there are number of complaints against the applicant and as many as three inquiries are pending against the applicant. In all six charges are framed against the applicant in the departmental enquiry. It seems that the departmental enquiries are pending since the applicant was absconding and did not cooperate with the Inquiry Officer. The learned P.O. submits that the applicant's anticipatory bail has been

rejected by the Hon'ble High Court as well as by the Hon'ble Supreme Court and finally the applicant got regular bail from the Hon'ble High Court. He submits that the inquiry against the applicant will be completed within six months.

7. I have perused both the impugned orders i.e. order passed by respondent no.3 as well as the order passed by Hon'ble Minister dated 4/4/2016. There are as many as six charges against the applicant and in view of the said charges the applicant has been kept under suspension. The inquiry could not be completed as the applicant was absconding. A serious crime has been registered against the applicant. Considering these aspects the applicant was kept under suspension. I, therefore, do not find any reason to interfere in the order of suspension passed by the competent authorities considering the allegations against the applicant. The Hon'ble Minister has also rejected the applicant's representation for revocation of suspension.

8. There are number of G.Rs. in the field issued by the Government from time to time which states that the cases of employees under suspension shall be re-considered for revocation periodically. If the applicant makes representation for revocation of his suspension before the competent authority, the competent authority will be able to consider his case on its own merits and therefore in

such circumstances I do not find any reason to interfere in order of suspension passed by respondent no.3 of 24/2/2016 which has been confirmed by the Hon'ble Minister vide its order dated 4/4/2016. Hence, the following order :-

**ORDER**

The O.A. stands dismissed with no order as to costs.

The C.A. however is allowed. The respondents shall grant suspension allowance to the applicant as may be admissible.

**(J.D. Kulkarni)**  
**Vice-Chairman (J).**

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