

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.290 OF 2017**

**DISTRICT : RAIGAD**

Mr. Dinesh R. Gujarathi. )  
Occu. : Circle Officer, R/at Parishram )  
Niwas, Opp. Neral Vidya Mandir, Neral, )  
Tal.: Karjat, District : Raigad 410 101. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through the Secretary, )  
Revenue & Forest Department, )  
Mantralaya, Mumbai - 400 032. )
2. The Divisional Commissioner )  
(Revenue), Konkan Division, Old )  
Secretariate, 1<sup>st</sup> Floor, Fort, )  
Mumbai 400 032. )
3. The District Collector, Raigad. )...**Respondents**

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

**Ms. S. Suryawanshi, Presenting Officer for Respondents.**

**P.C. : R.B. MALIK (VICE-CHAIRMAN)**



**DATE : 18.09.2017**

**JUDGMENT**

1. This Original Application (OA) can be disposed of here and now. It relates to the order of suspension made on 20.6.2015 whereunder the Applicant was placed under suspension. The Applicant has moved this OA for quashing and setting aside of that order and reinstatement. Similarly, certain adverse communications are being sought to be get quashed and set aside and one part of the relief pertains to the Subsistence Allowance.

2. I have perused the record and proceedings and heard Mr. K.R. Jagdale, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

3. The 1<sup>st</sup> Respondent is the State in Revenue and Forest Department, the 2<sup>nd</sup> Respondent is the Divisional Commissioner (Revenue), Konkan Division and the 3<sup>rd</sup> Respondent is the Collector, Raigad.

4. A copy of the order of 8<sup>th</sup> September, 2017 is placed on record which shows that, in a meeting dated 31.7.2017 of the Suspension Review Committee, it was

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decided that the suspension of the Applicant be revoked and he be reinstated. The reasons appear to be that the charge-sheet in the criminal case has been laid and that the DE has gone underway. I am not much concerned with the reasons but the ultimate result which is the main prayer herein and that is revocation of suspension and reinstatement. I am informed at the Bar that, now only the 3<sup>rd</sup> Respondent has to make an order of posting and nothing more remains to be done at his end. In my opinion, in the set of these circumstances, it will be appropriate to give to the Collector – Respondent No.3 time of one week to give posting to the Applicant.

5. It appears to be the grievance of the Applicant that the Applicant has not been paid the suspension allowance of 75% which he is entitled to, for which he has raised the plea in Para 6.19 where he has complained that he has been given Subsistence Allowance of 55% (see prayer (e)). There was an argument on behalf of the Respondents that the matter be adjourned for a short date for the learned PO to take instructions. In my opinion, it is not at all necessary to prolong or protract this OA. The issue of suspension allowance and its quantum is rule regulated and if the concerned employee is placed under suspension and has not been given the pensionary benefits



to that extent, he quite simply is entitled thereto and an appropriate direction can be given in effect mandating that, if the Respondents have not paid to the Applicant the Subsistence allowance of 75% and had paid lesser amount, deficit be paid to him within the time stipulated herein and with this, the OA can be disposed of.

6. The Respondent No. 3 is hereby directed to give to the Applicant a posting within one week from today. He is further directed to ensure that the Applicant was given 75% of Subsistence Allowance during the period of his suspension and if any lesser amount/amounts was/were paid, the deficit be paid to him within a period of four weeks from today. The Original Application is allowed to this extent with no order as to costs. Hamdast.

Sd/-

**(R.B. Malik)**  
**VICE-CHAIRMAN**  
**18.09.2017**

18.09.17

Mumbai

Date : 18.09.2017

Dictation taken by :

S.K. Wamanse.

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