

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.460 OF 2019

(Subject : Suspension)

DISTRICT : RAIGAD

Shri Rajesh Chandrakant Rithe,)
Assistant Engineer, Grade-1, Water Resources Department,)
(under suspension), residing at "Sukhwani Elite",)
Flat No.10, 5th floor, Kubera Park, Kondwa Road,)
Lulla Nagar, Pune 411 040) **..... Applicant**

Versus

The State of Maharashtra,)
The Principal Secretary,)
Water Resources Department,)
Mantralaya, Mumbai 400 032) **..... Respondent**

Shri A. Pawar, learned Advocate for the Applicant.

Shri S.D. Dole, learned Presenting Officer for the Respondent.

CORAM : SHRI A.P. KURHEKAR, MEMBER(J)

DATE : 17.06.2019.

J U D G M E N T

1. Heard Shri A. Pawar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer for the Respondents.

2. In the present matter, the Applicant has challenged the suspension order dated 17.12.2015, whereby he was kept under suspension in view of registration of crime under Prevention of Corruption Act, 1988 and Indian Penal Code. The Applicant has made representation in view of prolonged suspension, but in vain. Ultimately he has filed present O.A. challenging the prolonged suspension.

3. Learned P.O. Shri S.D. Dole for the Respondents on instructions stated that the charge-sheet in Departmental Enquiry (D.E.) was served on 22.05.2014 and D.E. is pending. In so far as Criminal case is concerned, it is sub-judice.

4. Learned Advocate Shri A. Pawar for the Applicant has submitted that the charge-sheet in Criminal case is filed but the Criminal case is pending without any progress. Thus, what emerges from the submission is that neither the D.E. is progressing nor the Respondents have taken appropriate steps for considering the revocation of suspension and reinstatement of the Applicant in service in terms of G.R. dated 14.10.2018, which *inter alia* provides for periodical review of suspension.

5. As per the Clause 4(a) of G.R. dated 14.10.2011, if the Criminal case is not decided within two years from the date of filing charge-sheet the employees can be reinstated in service on non-executive post, after revoking suspension. As such the Respondents are under obligation to take timely periodical review of the suspension of the Applicant in terms of G.R. dated 14.10.2011 in which they failed. It is rather disgusting to note that no such steps are taken and the Applicant is subjected to prolonged suspension of four years which is not sustainable in law. On the last date, when the matter was taken up for admission learned P.O. had made a statement that the Review Committee has already taken decision to revoke suspension but the final order was not passed and the matter is pending before the Hon'ble Minister for approval. On that ground one week time was granted to facilitate issuance of appropriate orders.

6. However, today again learned P.O. submitted that the file is not yet approved and again sought two week's time.

7. As the Applicant has been subjected to prolonged 4 years suspension, I am not inclined to grant two week's time. Respondent needs to pass appropriate order immediately so that the employee is not subjected to prolonged suspension.

8. In view of the above, O.A. deserved to be disposed of with suitable directions as the Review Committee has already taken decision to revoke suspension.

ORDER

- (a) O.A. is accordingly disposed of with directions to the Respondent to pass appropriate orders on the recommendation made by the Review Committee for revocation of suspension and reinstatement of the Applicant in service within seven days from today.
- (b) The order as the case may be, shall be communicated to the Applicant within a week thereafter.
- (c) If the Applicant felt aggrieved by the order he may avail legal remedy in accordance to law.
- (d) No order as to costs. Hamdast allowed.

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

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