

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

Original Application No.526 of 2017

Dr. Sujata Madhukar Pardeshi, )  
Age :53 years, )  
Occ.: District Malaria Officer, Yerwada Pune. )  
R/at: House No.17, Building No.11, )  
Amruta Nagar, Manikbag, Wadgaon Budruk, )  
Pune 51. ) ....Applicant

Versus

1. The State of Maharashtra, )  
Through The secretary, )  
Public Health Department, Mantralaya, )  
G.T. Hospital Buidling, 10<sup>th</sup> Floor, Mumbai -1. )
2. The Director, )  
Director of Health Services, 'Arogya Bhavan', )  
St. Georges Hospital Compound, )  
Mumbai 1. )
3. The Joint Director, Health Services, )  
(Malaria and Filaria and Water Borne )  
Diseases), Pune -6. ) ....Respondent

Shri K.R. Jagdale, learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned P.O. for the Respondents.

**CORAM :** Shri J.D. Kulkarni, Vice-Chairman

**DATE :** 04.09.2018.

**ORDER**

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. The Applicant is claiming following relief in this O.A.
  - (a) By suitable order or directions this Honorable Tribunal may be pleased to quash and set aside the impugned suspension order dated 18.09.2014 issued by the

office of Respondent No.1 and reinstate the Applicant on the post of District Malaria Officer, with all other consequential service benefits, forthwith.

- (b) By suitable order or direction this Honorable Tribunal may be pleased to direct the Respondents to pay the arrears of 75% subsistence allowance to the Applicant from 18.09.2014 till actual reinstatement, with arrears, forthwith.
- (c) By suitable order or directions this Honorable Tribunal may be pleased to direct the Respondents to treat the suspension period as duty period for all purposes till her actual reinstatement, with all other consequential service benefits, forthwith.

(quoted from page no.15 of the O.A.)

3. Learned P.O. for the Respondents has placed on record a copy of the order dated 21.8.2018, wherefrom it is seen that the Applicant has been dismissed from service by following due procedure and due enquiry. The said order is taken on record and marked as 'X' for the purpose of identification.

4. Learned Advocate for the Applicant states that the Applicant is also claiming arrears of 75% subsistence allowance in this O.A. from 18.09.2014 since the Applicant has already been suspended from the service.

5. Learned P.O. for the Respondents has also placed on record another copy of the communication dated 29.06.2015. The same is taken on record and marked as 'X-1' for the purpose of identification. From the communication it seems that Government has directed Competent Authority that in case Applicant is not residing at Heard Quarter, the subsistence allowance shall not be granted to the Applicant.

6. Respondent may take necessary decision in this regard within one month from the date of this order and if the Applicant is aggrieved by said order he has at liberty to file O.A.

7. Since the Applicant has already been dismissed from the service, impugned order of suspension is no more is executive now. Hence nothing survives in O.A. and has been become infructuous and accordingly disposed of.

8. Applicant is at liberty to challenge the earlier order if appropriate as the rule.

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

Sba