

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 543 /2022 (S.B.)**

Mr. Manohar Vyankarao Pate,  
Aged about 52 years, Occ. Service,  
O/o Morshi Open Jail, Morshi,  
Dist. Amravati (M.S.)

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through it's Additional Chief Secretary (A & S),  
Home Department (Prison),  
Mantralaya, Mumbai- 400 032.
- 2) Deputy Inspector General of Prison,  
East Zone,  
Wardha Road, Nagpur.

**Respondents**

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**Shri S.C.Deshmukh, Id. Advocate for the applicant.**

**Shri M.I.Khan, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGMENT**

**Judgment is reserved on 09<sup>th</sup> Feb., 2024.**

**Judgment is pronounced on 20<sup>th</sup> Feb., 2024.**

Heard Shri S.C.Deshmukh, Id. counsel for the applicant and  
Shri M.I.Khan, Id. P.O. for the Respondents.

2. The applicant was on duty at Nagpur Central Jail. It was alleged that he had issued threats of financial losses to the administration. This indisciplined behaviour was reported by Superintendent of Nagpur Jail to respondent no. 2 by confidential letter dated 09.05.2018. By order dated 11.05.2018 (A-1) respondent no. 2 placed the applicant under suspension. This order stated that initiation of departmental enquiry against the applicant was contemplated as provided under Rule 8 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. By order dated 05.09.2018 (A-2) respondent no. 2 revoked order of suspension of the applicant and reinstated him. This order stated that it was subject to impending departmental enquiry. On 15.07.2019 the applicant submitted representation (A-4) to respondent no. 2 that period of his suspension be treated as duty period and consequential benefits be released. On 27.07.2020 respondent no. 2 passed the impugned order that suspension period of the applicant from 13.05.2018 to 07.09.2018 was to be treated "as such". This order was communicated to the applicant by letter dated 30.07.2020 (A-6). According to the applicant, it can be concluded, in the absence of initiation of departmental enquiry, that his suspension was wholly unjustified and hence the impugned order cannot be sustained.

3. The impugned order and pleading of respondent no. 2 give details of the circumstances which led to passing of order of suspension of the applicant, and punishment of withholding of two increments without cumulative effect which was imposed on the basis of departmental enquiry initiated by chargesheet dated 16.02.2018. Said punishment was imposed by order dated 22.03.2019 (A-V). Pleading of respondent no. 2 also refers to service record of the applicant.

4. In order of suspension dated 11.05.2018 (A-1) it was stated that initiation of departmental enquiry was contemplated. Such enquiry was admittedly not initiated before the impugned order was passed on 27.07.2020. The impugned order refers to alleged conduct of the applicant, chargesheet served on him on 16.02.2018, and punishment of withholding of two increments without cumulative effect passed pursuant to said chargesheet. It may be reiterated that contemplated/impending enquiry to which there is a reference in the order of suspension of the applicant, has not been initiated so far. The enquiry conducted earlier had no nexus with the order of suspension of the applicant. In fact, there was no occasion to pass the impugned order directing that period of suspension of the applicant was to be treated "as such". Consequently, orders dated 27.07.2020 and 30.07.2020 are

quashed and set aside. Respondent no. 2 is directed to consider representation dated 15.07.2019 (A-4) afresh and pass necessary orders on it within 30 days from today. **The O.A. is allowed in these terms with no order as to costs.**

**Member (J)**

**Dated :- 20/02/2024**  
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 20/02/2024  
and pronounced on

Uploaded on : 21/02/2024