MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 791 / 2021 (S.B.)

Devendra Nagoraoji Gadge,
Aged about 53 years, R/o Tiosa,
Dist. Amravati.

Applicant.

Versus

1) The State of Maharashtra,
through its Secretary,
Department of Agriculture,
Animal Husbandry Diary Development & Fisheries,
Mantralaya, Mumbai- 32.

2) Commissioner (Agriculture),
Agriculture Commissionerate,
Maharashtra State, Pune-01.

3) Joint Director of Agriculture,
Office of Divisional Agriculture
Joint Director, Amravati.

4) The Collector, Amravati.

Respondents

Shri N.R.Saboo, ld. Advocate for the applicant.

Shri S.A.Deo, ld. C.P.O. for the Respondents.

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

JUDGMENT

Judgment is reserved on 04th April, 2022.

Judgment is pronounced on 08th April, 2022.

Heard Shri N.R.Saboo, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. Case of the applicant is as follows. On complaint of one Ms. Rupali Wadhal (Choudhari) crime number 46/2017 was registered against the applicant. By order dated 14.02.2018 (A-1) respondent no. 2 placed him under suspension. On 08.03.2018 respondent no. 4 passed separate order (A-2) of suspension of the applicant. On 29.05.2019 the applicant submitted representation (A-3) before respondent no. 2 for reinstating him. It was neither accepted nor expressly rejected. By order dated 21.12.2020(A-4) the Hon'ble High Court allowed his criminal application no. 645/2018 and quashed F.I.R. No. 46/2017. While extending the period of suspension of the applicant the respondents did not review the issue periodically as mandated by G.R. dated 14.10.2021 (A-5). G.R. dated 09.07.2019 (A-6) would show that suspension of the applicant is required to be revoked at once. On 20.02.2021 and 01.07.2021 the applicant submitted representations (A-7 and A-8) before respondent no. 2 for revocation of his suspension. The respondent department has not acted upon the same. On 01.06.2019 the applicant submitted an application (A-9) before respondent no. 3 for redressal of his grievances regarding rejection of his application for Medical Leave, deduction of his salary for the period from 01.07.2016 to 26.07.2016, and withholding of increment without pre-intimation. Hence this application for following reliefs:-

> "*i. To revoke order of suspension dated 14.02.2016 at Annexure A-1 issued by respondent no. 1 and order of suspension dated 08.03.2018 issued by respondent no. 4 at Annexure-A-2.*
>
> *ii. To allow the O.A. and direct the respondent no. 1 to permit applicant to discharge duty by giving appropriate posting.*

iii. To direct the respondent no. 3 to decide representation dated 01.06.2019 for release of medical leave during period from 01.04.2016 to 31.05.2016 denied by subordinate authority Sub Divisional Agri. Officer, Morshi and to release his salary claim during period from 01.07.2016 to 26.07.2016 as well to release his increment prior to order of suspension."

3. Reply of respondent no. 3 is at pages 40 to 43. To this reply respondent no. 3 has attached minutes of review committee dated 06.12.2021 (A-R-1). These minutes show that the review committee has recommended reinstatement of the applicant but outside Amravati Division and on a non-executive post.

4. G.R. dated 09.07.2019 lays down :-

"**'kklu fu.k;%&**

1- ;k vu"kxku 'kkldh; depk&;kP;k fuycukpk vk<kok ?k.;kl nHkkr i<hyiek.k lpukn.;kr ;sr vkgr-

i) fuyfcr 'kkldh; lodkP;k T;k idj.kh 3 efgU;kP;k dkyko/khr foHkkxh; pkd'kh l# d#u nk"kkjki i=ctko.;kr vky vkg] v'kk idj.kh fuycu dY;kikl u 3 efgU;kr fuycukpk vk<kok ?kÅu fuycu i< pky Boko;kp vlY;kl R;kckcrpk fu.k; lLi"V vkn'kk lg ¼dkj.k feekl lg½ l{ke ikf/kdk&;kP;k Lrjkoj ?k.;kr ;kok-

ii) fuyfcr 'kkldh; lodkP;k T;k idj.kh 3 efgU;kP;k dkyko/khr foHkkxh; pkd'kh l# d#u nk"kkjki i=ctko.;kr vky ukgh] v'kk idj.kh ek-lokPpU;k;ky;kp vkn'k ikgrk] fuycu lekIr dj.;kf'kok; vU; i;k; jkgr ukgh- R;keG fuyfcr 'kkldh; lodkckcr foHkkxh; pkd'khph dk;okgh l# d#u nk"kkjki i= ctko.;kph dk;okgh fuycukikl u 90 fnol kP;k vkr dkVdkji.k dyh tkby ;kph n{krk@[kcjnkjh ?k.;kr ;koh-

iii) Qkt nkjh idj.kkr fo'k"kr% ykpypir idj.kh fuyfcr 'kkldh; lodkoj foHkkxh; pkd'kh l# d#u nk"kkjki i=ctko.kckcr

vko';d rk vfHky[k ykpypir ifrc/kd foHkkxku lc/kh r i'kkldh; foHkkxkl miyC/k d#u n.k vko';d jkgh y-

;k vkn'kkrhy rjrnhe eG ;k fo"k;kojhy lnHk 1 o 2 ;Fkhy vkn'kkrhy rjrnh ;k vkn'kkP;k e;knr l/kkj.;kr vkY;k vkgr vl letko.;kr ;ko-"

5. In view of what is discussed hereinabove following order deserves to be passed:-

O R D E R

Application is allowed in the following terms:-

1. The impugned orders placing the applicant under suspension are quashed and set aside.

2. The respondents shall pass consequential order **within 30 days from today.** It would be open to the respondents to act upon the recommendation of review committee in the matter of posting of the applicant.

3. Respondent no. 3 shall decide representation dated 01.06.2019 (A-9) **within two months from today**.

4. No order as to costs.

(Shri M.A.Lovekar)
Member (J)

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 and pronounced on	:	08/04/2022.
Uploaded on	:	11/04/2022.