

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 114/2023(S.B.)

Dr. Nagorao Shivajirao Chauvan,
Aged about 55 years,
Occ. Service,
R/o. District Hospital Yavatmal.

Applicant.

Versus

1. The State of Maharashtra,
through its Secretary,
Public Health Department,
Mantralaya, Mumbai -32.
2. Dy. Director,
Public Health Department,
Akola Division, Akola.

Respondents

Shri G.K.Bhusari, Ld. counsel for the applicant.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 17th February 2023.

JUDGMENT

Heard Shri G.K.Bhusari, learned counsel for the applicant and
Shri A.M.Ghogre, learned P.O. for the Respondents.

2. The case of the applicant in short is as under-

The applicant is working as Civil Surgeon, at Yavatmal. The applicant is suspended as per order dated 07.07.2022. Since more than three months no any charge sheet is given against him. Therefore, the applicant approached to this Tribunal for revocation of suspension order dated 07.07.2022.

3. Heard learned counsel for the applicant. He has pointed out the Judgment of this Tribunal in O.A.No.853/2021 dated 27.01.2022 and the Judgment of Hon'ble High Court in W.P.No.7506/2018 dated 17.07.2019. He has also pointed out the G.R. dated 09.07.2019. Learned P.O. has submitted that as per his instruction till date charge sheet is not served to the applicant. Applicant is under suspension for more than 90 days. As per the judgment of Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary Vs. Union of India Through its Secretary and Another* the suspension cannot be continued for more than 90 days. The Government of Maharashtra has also issued G.R. dated 09.07.2019. As per the G.R. suspension cannot be continued more than 90 days. Admittedly applicant is under suspension since 07.07.2022. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. The suspension order dated 07.07.2022 is hereby revoked.

Respondents are directed to reinstate the applicant.

3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 17/02/2023

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 17/02/2023.