

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 1225/2022(S.B.)**

Deepak S/o Narayan Ingole,  
Aged about 42 years,  
Occupation : Service,  
R/o Civil Line, Washim, Tah, and  
District-Washim.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Urban Development Department,  
Mantralaya, Mumbai-32.
2. The Collector,  
Washim, District - Washim.
3. The Collector,  
Akola, District - Akola.

**Respondents**

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Shri A.P.Tathod, Ld. counsel for the applicant.  
Shri A.M.Ghogre, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated:- 25<sup>th</sup> April, 2023.**

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**JUDGMENT**

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

2. On last date learned P.O. was directed to file reply positively, failing which, the matter shall be heard finally. Today with the consent of both parties matter is admitted and decided finally.

3. As per the submission of learned counsel for the applicant, the applicant is working as Chief Officer, at Municipal Council, Mangrulpur, Dist. Washim. One of the local employee threatened the applicant, therefore, the applicant made complaint to the Collector. As per his submission, crime punishable under the Prevention of Corruption Act is registered by the Anti Corruption Bureau. Thereafter, suspension order is passed on 08.12.2022. It is submitted by the applicant that till date charge sheet is not served.

4. Learned counsel for the applicant submitted that no any Charge sheet is served on the applicant till date. Learned counsel for the applicant has pointed out the Judgment of the Hon'ble Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another.*** The Hon'ble Supreme Court has held that if the charge sheet is not served to the delinquent employee within a period of 90 days, then the suspension shall be revoked.

4. After the Judgment of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another,*** the Government of Maharashtra has passed the resolution dated 09.07.2019. The guidelines are given in

the G.R. not to extend the suspension period after 90 days, if the charge sheet is not served on the delinquent employee. The guidelines are given to complete the inquiry as early as possible. If the suspension is to be extended, then reasoned order is to be passed.

5. The applicant is under suspension since 08.12.2022 i.e. more than 90 days. Till date no any charge sheet is served. Hence, in view of the Judgment of Hon'ble Supreme Court ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another*** and Government Resolution dated 09.07.2019 suspension is liable to be revoked. Therefore, the following order is passed.

**ORDER**

- 1) The O.A. is allowed.
- 2) The suspension order dated 08.12.2022 is hereby revoked.
- 3) The respondents are directed to reinstate the applicant within a period of one month from the date of receipt of this order.
- 4) No order as to costs.

(Justice M.G.Giratkar)  
Vice Chairman

Dated – 25/04/2023  
rsm.

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 : 25/04/2023.