

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NOS.277 OF 2017**

**With**

**ORIGINAL APPLICATION NOS.278 OF 2017**

**DISTRICT : RAIGAD**

**ORIGINAL APPLICATION NOS.277 OF 2017**

Shri Muktajji Shivaji Shete, )  
Age : 43 years, Occ : Agriculture Assistant (now )  
Under suspension). )  
R/at Shivshakti Apts, Room No.1, Krivali, )  
Neral Road, Karjat, Dist. Raigad. )...**Applicant**

**Versus**

1. The Divisional Joint Director, Agriculture )  
Konkan Division, O/at. Krushi Bhavan, )  
Wagle Estate, Road No.16, Z-Lane, )  
Thane -4. )
2. The State of Maharashtra, trough )  
Principal Secretary (Agriculture) )  
Agriculture, Animal Husbandry Dairy )  
Development & Fisheries Department, )  
Mantralaya, Mumbai 400 032. )...**Respondents**

**ORIGINAL APPLICATION NOS.278 OF 2017**

Shri Balasaheb Narayan Mane, )  
Age : 41 years, Occ : Agriculture Assistant (now )  
Under suspension). )  
R/at 201, Nav. Om.Shri Krupa C.H.S. Ltd. )  
Dr.Mujumdar Marg, Badlapur (E), Dist. Thane. )...**Applicant**

**Versus**

1. The Divisional Joint Director, Agriculture )  
Konkan Division, O/at. Krushi Bhavan, )  
Wagle Estate, Road No.16, Z-Lane, )  
Thane -4. )
2. The State of Maharashtra, trough )  
Principal Secretary (Agriculture) )  
Agriculture, Animal Husbandry Dairy )  
Development & Fisheries Department, )  
Mantralaya, Mumbai 400 032. )...**Respondents**

**Shri A. V. Bandiwadekar, Advocate for Applicants.**

**Ms S. P. Manchekar, Chief Presenting Officer for Respondents.**

**CORAM : A.P. KURHEKAR, MEMBER-J**

**DATE : 27.11.2019.**

**JUDGMENT**

1. Heard Shri A. V Bandiwadekar, learned Counsel for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. In both the Original Applications, the applicants have challenged suspension order.

3. In so far as O.A.No.277/2017 is concerned, at the time of suspension the applicant was working as Agricultural Assistant, Mogaraj, Tal.Karjat, Dist. Thane. He was suspended by order dated 18.03.2017. However, by order dated 24.04.2018 his suspension was revoked and he was reinstated at Devgad, Dist. Sindhudurg but the Applicant had requested for changed of posting. Accordingly, by order dated 01.06.2018 he was posted in the office of Taluka Agricultural Office, Pen, Dist. Raigad. Later again by order dated 04.07.2019, post of the applicant was changed and he is posted at Badhap, Tal. Karjat, Dist. Thane.

4. In so far as O.A.No.278/2017 is concerned, at the time of suspension the Applicant was working as Agricultural Assistant in the office of Taluka Agriculture Office, Karjat. He was suspended by order dated 18.03.2017. Thereafter, by order dated 23.04.2018 suspension was revoked and he was reinstated in service and posted in the office of Tal Agriculture Officer, Lanja, Dist. Ratnagiri. The Applicant requested for change of posting. Therefore, by order dated

01.06.2018, he was posted in the office of Soil Surveyor and Laboratory, Thane on the post of Agricultural Assistant.

5. Thus, during the pendency of O.A. suspension is already revoked and the Applicants are reinstated in service though on different post.

6. The names of the Applicants were not figured in FIR. However, in investigation their involvement was traced, and therefore, charge sheet is filed against them and others in the offence u/s 409, 420, 465, 467, 468, 471 r/w 34 IPC and u/s 31(1)(d) and 13(2) of Prevention of Corruption Act. Criminal case is subjudice. Simultaneously, in D.E. joint charge sheet is also issued against the Applicants and others for major penalty on 15.11.2017.

7. Thus, what transpires from the record that the Applicants are already reinstated in services after revoking their suspension. Criminal case as well as D.E. is pending. They were reinstated in services subject to outcome of D.E. and Criminal Case.

8. Learned C.P.O. submits that D.E. is at the stage of recording evidence and will be completed soon. She therefore submits that in view of reinstatement of the Applicants, original Applications be disposed of.

9. Shri A. V. Bandiwadekar, learned Counsel for the Applicant submits that O.A. can be disposed of subject to some rider of reinstatement of the Applicants on the post from which they were suspended, if the enquiry is not completed within stipulated period. He has pointed out that the D.E. was initiated on 15.11.2017. The period of more than two years is over, though in fact, the D.E. was required to be completed within six months in terms of Government Resolution.

10. In my considered opinion, in view of revocation of suspension and reinstatement of the Applicants in service, challenge to the suspension order no more survives and Original Application can be disposed of with suitable directions.

**ORDER**

- (A) Both these Original Applications are disposed of with direction to the Respondents to complete the D.E. pending against the Applicants including passing final order therein within six months from today.
- (B) If the Respondents failed to pass final order in D.E. within six months from today, the Applicants will be entitled for posting at the place of suspension.
- (C) With these directions, Original Applications are disposed of with no order as to cost.

Sd/-

**(A.P. KURHEKAR)**  
**Member-J**