

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 956/2021 (S.B.)

1. Shri Sanjay S/o Trimbak Gholap,
Aged about 40 years,
Occu: Nil, R/o House No.175,
Survey No.23/2, Opposite Paper Mill,
Jaihind Nagar, Thergaon, Pune,
District – Pune.

Applicant.

Versus

1. State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai –400032.
2. Additional Director
General of Police (Prison) and
Inspector General Prison,
Maharashtra State, Pune-1.
3. Deputy Inspector General of Prison,
East Region, Distt. Nagpur.
4. Superintendent of Prison,
Amravati Central Prison,
Amravati, Distt. Amravati.

Respondents

Shri R.L.Kadu, Ld. counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated: - 11thNovember, 2022.

JUDGMENT

Heard Shri R.L.Kadu, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the Respondents.

2. The learned counsel for the applicant has pointed out rejoinder along with the copy of inquiry manual and letter of respondent no.3 dated 16.03.2022. He has pointed out Rule 6.9 of inquiry manual and submitted that the copy of charge sheet was not served to the applicant. The inquiry is pending since 2021.

3. As per submission of learned P.O., the applicant has not appeared before the Inquiry Officer and therefore inquiry is pending.

4. The learned Advocate Shri R.L.Kadu has pointed out the judgment of **Ajay Kumar Choudhary Vs. Union of India (2015) 7 Supreme Court Cases 291.**

5. The applicant is under suspension since 2021. There is no progress in the inquiry. As per the judgment of Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India (2015) 7 Supreme Court Cases 291** if the charge sheet is not served to the applicant within 90 days, then the suspension cannot be continued.

5. The Hon'ble Supreme Court in para 20 has held that if the charge sheet is not served to the delinquent employee within a period of 90 days, then the suspension cannot be continued. In the present case as per the submission of the respondents the applicant has not received the charge sheet. The respondents were at liberty to send the said charge sheet by post and proceed further for the inquiry but the employee cannot be kept under suspension for a longer period more than 90 days. In view of the judgment of Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary Vs. Union of India (2015) 7 Supreme Court Cases 291*, the following order is passed.

ORDER

1. O.A. is allowed.
2. The Suspension Order dated 12.10.2021 is hereby revoked.
3. The respondents are directed to allow the applicant to join duty within a period of 1 month from the date of receipt of this order.
4. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 11/11/2022

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 : 11/11/2022.
Uploaded on : 14/11/2022.