

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO.445/2016.

Sau. Rajni w/o Dipakrao Bhagat,
Aged about 47 years,
Occ-Service (under suspension),
R/o Vatika Vihar, Behind Z.P. College,
Godhni Rly, Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Additional Commissioner,
Tribal Development, Giripeth, Nagpur.

Respondents.

ORIGINAL APPLICATION NO.446/2016.

Sau. Sheela w/o Lekhram Walde,
Aged about 46 years,
Occ-Service (under suspension),
R/o Plot No.497, Yadavnagar,
Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Additional Commissioner,
Tribal Development, Giripeth, Nagpur.

Respondents.

ORIGINAL APPLICATION NO.447/2016.

Sau. Maya w/o Prakash Kalaskar,
Aged about 50 years,
Occ-Service (under suspension),
R/o Plot No.6, Sector-A,
CIDCO, Butibori, Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Additional Commissioner,
Tribal Development, Giripeth, Nagpur.

Respondents.

ORIGINAL APPLICATION NO.448/2016.

Sau. Sunita w/o Onkar Wagh,
Aged about 48 years,
Occ-Service (under suspension),
R/o Laxminarayan Residency,
Plot No.56, New Subhedar Layout,
Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Additional Commissioner,
Tribal Development, Giripeth, Nagpur.

Respondents.

ORIGINAL APPLICATION NO.533/2016.

Shri Rajhans Vyankati Gawande,
Aged about 50 years,
Occ-Service (under suspension),
R/o Karla Chowk, Behind Swagat Colony,
Wardha.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Additional Commissioner,
Tribal Development, Giripeth, Nagpur.

Respondents.

Shri S. P. Palshikar, Ld. Advocate for the applicants.
Shri P.N. Warjekar, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri R.B. Malik,
Member (J).

Dated:- 14th February, 2017.

Oral order

These five O.As in view of the similarity of facts admit to their disposal by this common judgment and that is being done hereby. The orders herein impugned placed the applicants under suspension w.e.f. 30th April 2016.

2. I have perused the record and proceedings and heard Shri S.P. Palshikar, learned Advocate for the applicants and Shri P.N. Warjekar, learned P.O for the respondents.

3. The learned P.O. is being instructed by
Shri_____.

4. A very detailed analysis of facts will be out of place. It would suffice to mention that in the apparent exercise of power under Rule 4 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 (in short D & A Rules), the applicants were placed under suspension. The departmental enquiries have since been initiated. Insofar as the issue of suspension is concerned, I do not think there can be any dispute that the treatment given to the subject of suspension will have to be somewhat different than the same to be given to any other aspect of service conditions including the disciplinary proceedings. It is for a length of time that the applicants are under suspension. The learned P.O. on instructions informs that there has not been any review in the matter of suspension of the applicants over the last about more than nine months. The issue of suspension is now fully governed by the law laid down by the Hon^{ble} Supreme Court in **Ajay Kumar Choudhary V/s Union of India (2015) 2 SCALE 432.** I have perused the said judgment attentively. In my view, it should not be possible for me to accept the submission of the learned P.O. that I should simply grant four months' time to the respondents to complete the departmental enquiry and till that time no orders to be made with regard to the suspension. In my opinion, the respondents were in duty bound to review the suspension of the

applicants which they have failed to do. Apart from the rules relevant thereto which are also significant, the law laid down in **Ajay Kumar Choudhary** (supra) will have to be borne in mind by the authority concerned, when the review of the suspension aspect of the applicants case, is considered.

5. These O.As are disposed of with a direction to the respondents to review the suspension of these applicants within four weeks from today inter alia in the light of the law laid down by the Honble Supreme Court in **Ajay Kumar Choudhary** (supra). These O.As are accordingly disposed of with no order as to costs.

(R.B.Malik)
Member (J)

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