

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO. 69 of 2019

Shri Ajay Uttam Pawar)
A-201, Royal Astonia, Near New Palace,)
Mahaveer Chowk, Kolhapur 416003.)Applicant

Versus

The State of Maharashtra , through the)
Secretary, Revenue and Forest Department,)
Mantralaya, Mumbai 400 032.).....Respondents

Smt. Punam Mahajan, Advocate for Applicant

Shri A. J. Chougule, Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR, MEMBER (J)

DATE : 21.01.2019

ORDER

1. In the present Original Application, the relief claimed is as under:-

“9(a) That this Hon’ble Tribunal be pleased to direct the Respondent to decide the nature of the period of suspension within a period of one month and grant all consequential service benefits, such as arrears of pay and any other benefit due to the applicant.”

2. Having heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents, what transpires from the record is that the applicant was suspended by order dated 26.09.2008. However, it has been challenged by the applicant in appeal. The appeal came to be decided

on 26.10.2010, whereby the suspension was revoked. Thereafter, by order dated 17.02.2011, the applicant has been reinstated in service and he was also reposted. However, the question remains about the decision on his suspension period. He made representation first on 16.12.2011 and again on 22.01.2013 and on 16.12.2016. Despite the said representations, no decision has been taken about the suspension period, which the respondents were obliged to decide as per Rule 72 (1) of the Maharashtra Civil Services (Joining Time, Foreign Service, and Payments during Suspension, Dismissal and Removal) Rules, 1981 (Hereinafter referred as Rules, 1981).

3. In appeal, it has been observed that there was no substance in the allegations made against the applicant and clean chit was given to him. Despite this position, the suspension period has not been regularized. Therefore, he has approached this Tribunal for direction to the Respondents to consider his representation.

4. Learned Advocate for the applicant also pointed out that the criminal case is still pending against the applicant and it is subjudice.

5. Perusal of the Rule 72(1) of Rules 1981 reveals that the period of suspension needs to be decided by the respondents, whereas the Rule 72(6) provides that the order passed under Sub Rule 72(1) shall be reviewed after conclusion of the proceedings.

6. In view of the provision of Section 72(1) and 72 (6), the respondent was required to take decision about the suspension period of the applicant which is not taken despite the representations made by the applicant from time to time.

7. In view of the above, the Original Application can be disposed of with suitable direction.
8. Original Application is disposed of with direction to respondents to decide the nature of suspension period of the applicant in view of the representations made from time to time within six weeks from the receipt of this order. The decision, as the case may be, shall be communicated to the applicant.
9. Hamdast and steno copy is allowed.
10. No order as to costs.

Sd/-
(A.P. KURHEKAR)
MEMBER (J)

Place : Mumbai
Date : 21.01.2019.
Dictation taken by : V.S. Mane
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