

O.A.No.359/2019 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice Chairman**

**Dated : 21<sup>st</sup> May 2019.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The Id. Counsel for the applicant relied upon the Hon'ble Supreme Court Judgement in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary & Ors in Civil Appeal No. 1912 of 2015 (Arising out of SLP No. 31761 of 2013) decided on 16 February 2015** and on other case, **Civil Appeal No. 8427-8428/2018 arising out of S.L.P. (Civil) No. 12112-12113 of 2017, Pramod Kumar IPS & Others (Non Reportable)**. In this case Hon'ble Apex Court has observed in para no. 23:-

*This Court in Ajay Kumar Choudhary Vs. Union of India, (2015) 7 SCC 291 has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and*

*that his reinstatement would not be a treat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

3. The Id. Counsel for the applicant also relied upon the Judgement of **Principle Bench of MAT in O.A. No. 35/2018 delivered on 11/09/2018.**

4. However, as admitted by the Id. Counsel for the applicant, as per the Government guidelines, Meeting of Review Committee has taken place on 08/02/2019 (Annexure-A-15) and on P.B., Pg. No. 61, applicant's name has been recommended by the committee for reinstating and posting at non-functional post. As per the Id. Counsel for the applicant this is yet to be implemented.

5. The Id. P.O. is directed to take instructions from the department what is the reason that this recommendation is yet to be implemented.

6. Issue notice to R-2 to 4, returnable on 07-06-2019. Learned P.O. waives notice for R-1. Hamdast allowed.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

9. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

11. In case notice is not collected within **three days** and if service report on affidavit is

not filed **three days** before returnable date.  
Original Application shall stand dismissed  
without reference to Tribunal and papers be  
consigned to record.

12. **S.O. 07-06-2019.**

**Vice Chairman**

**Date:-21/05/2019.**  
aps.

**O.A.No.360/2019 (S.B.)**

**Coram: Shri Shree Bhagwan,**  
**Vice Chairman**

**Dated : 21<sup>st</sup> May 2019.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The Id. Counsel for the applicant has pointed out the transfer order dated 08/05/2018 (Annexure-A-3), where the applicant's name is appeared at Sr. No. 71. The Id. Counsel for the applicant also pointed out representation of the applicant dated 30/04/2019 (Annexure-A-1).

3. The Id. P.O. is directed to take necessary instructions from the Department regarding disposal of the representation. Meanwhile, the Respondents are at liberty to decide the applicant's representation dated 30/04/2019 within two weeks from the date of this order.

4. Issue notice to R-2 & 3, returnable on 04-06-2019. Learned P.O. waives notice for R-1. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. S.O. 04-06-2019.

**Date:-21/05/2019.**  
aps.

**Vice Chairman**