MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

COMMON JUDGMENT IN O.A.NO.899/2023 & O.A.NO.900/2023

ORIGINAL APPLICATION NO. 899/2023(S.B.)

Shivam S/o Chandan Bachale,
Aged 32 years, Occ. Service,
(At present under suspension),
R/o Yashoda Nagar, Kandali,
Paratwada, Tq. Achalpur,
Dist. Amravati.

Applicant.

Versus

1. The State of Maharashtra,
Trough its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.

2. Deputy Conservator of Forest,
Amravati Division,
Having its office Camp Amravati-444602.

Respondent

With

ORIGINAL APPLICATION NO. 900/2023(S.B.)

Dhanashri Ashokrao Deshmukh,
Aged 29 years, Occ. Service,
(At present under suspension),
R/o Balaji Society,
Near Maharashtra Bank,
Arni Road, Yavatmal, Dist. Yavatmal.

Applicant.

Versus

1. The State of Maharashtra,
   Trough its Secretary,
   Revenue and Forest Department,
   Mantralaya, Mumbai-32.

2. Deputy Conservator of Forest,
   (Regional) Forest Department,
   Paratwada, Timber Depot Road,
   Paratwada, Dist. Amravati - 444805.

Respondent

Shri S.P.Palshikar, Ld. Counsel for the applicants.
Shri S.A.Sainis, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 15th September, 2023.

COMMON JUDGMENT

Heard Shri S.P.Palshikar, learned counsel for the applicants and Shri S.A.Sainis, learned P.O. for the Respondents. The matter is heard and decided finally.

2. The learned counsel for the applicants has submitted that till date no any charge sheet is served in the departmental enquiry to the applicants. Therefore, prayed to revoke the suspension order in both O.As..

3. Both applicants are suspended as per the orders dated 17.08.2022 and 18.08.2022 respectively on the ground that they were arrested by the Police for the Offences Punishable under Sections 302 and 201 of Indian Penal Code. The Police has filed charge sheet before the Court. The departmental enquiry is not initiated till date, no any charge sheet is given to both applicants. The applicants have stated on page 7 para (vi) of the O.A., stating that the respondents have not served any charge sheet to the applicants. Period of suspension is more than 90 days.

4. The learned counsel for the applicants has pointed out the Judgment of Hon'ble Supreme Court in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another*** and G.R. dated 09.07.2019. The material portion of the G.R. is reproduced below.

शासन निर्णय :

१. या अनुषंगाने शासकीय कर्मचाऱ्याच्या निलंबनाचा आढावा घेण्यासंदर्भात पुढीलप्रमाणे सूचना देण्यात येत आहेत.

1) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करुन दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेऊन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) सक्षम प्राधिकाऱ्याच्या स्तरावर घेण्यात यावा.

ii) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करुन दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा. सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करुन दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसाच्या आत काटेकोरपणे केली जाईल याची दक्षता / खबरदारी घेण्यात यावी.

iii) फौजदारी प्रकरणात विशेषत: लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करुन दोषारोप पत्र बजावणेबाबत आवश्यक तो अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधीत प्रशासकीय विभागास उपलब्ध करुन देणे आवश्यक राहिल.

या आदेशातील तरतुदीमुळे या विषयावरील संदर्भ १ व २ येथील आदेशातील तरतुदी या आदेशाच्या मर्यादेत सुधारण्यात आल्या आहेत असे समजण्यात यावे.

३. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर उपलब्ध करण्यात आला असून त्याचा संगणक संकेतांक २०१९०७०९१५२०४०५२०७ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

5. After the decision of the Hon'ble Supreme Court in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another,*** the Government of Maharashtra has issued G.R. directing all the disciplinary authorities to serve the charge sheet to the delinquent employee within three months from the date of

order of suspension and complete the enquiry expeditiously. In the present matters, the respondents have not served any charge sheet to the applicants. They are kept under suspension as per the orders dated 17.08.2022 and 18.08.2022 i.e. more than one year. Hence, in view of the Judgment of Hon'ble Supreme Court in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another*** and above cited G.R. dated 09.07.2019, the following order is passed.

ORDER

1) The O.As. are allowed.

2) In O.A.No.899/2023, the suspension order dated 17.08.2022 and in O.A.No.900/2023, the suspension order dated 18.08.2023 are hereby revoked.

3) The respondents are directed to reinstate the applicants within a period of one month from the date of receipt of this order.

4) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 15/09/2023
rsm.

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	:	15/09/2023.
Uploaded on	:	20/09/2023.