

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 90/2023(S.B.)**

Uttamrao S/o Avdhutrao Ingle,
Aged about years Occu: Service
R/o Dhanora (Vaidya),
Post Kanjhara Tahsil Murtizapur,
District Akola.

Applicant.

Versus

1. The State of Maharashtra,
Through the Secretary,
Home Department,
Mantralaya, Mumbai - 32.
2. The Sub Divisional Magistrate &
Sub Divisional Office, .
Murtizapur, District Akola.

Respondents

Shri S.R.Kumbhalkar holding for Shri P.S.Tiwari, Ld. Counsel for the applicant.

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

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

Dated:- 07th March, 2024.

JUDGMENT

Heard Shri S.R.Kumbhalkar holding for Shri P.S.Tiwari,
learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for
the Respondents.

2. Case of the applicant in short is as under-

The applicant was appointed as Police Patil. The respondent no.2 issued show cause notice on 18.05.2022 as to why he should not be suspended. The applicant submitted his explanation on 23.05.2022. The respondent no.2 passed order of suspension on 23.09.2022. The applicant was under suspension. The respondents have not revoked the suspension within 90 days. Therefore, the applicant approached to this Tribunal for the following reliefs-

(a) quash and set aside the order dated 23.9.2022 passed by the respondent no.2 suspending the applicant from the post of Police Patil, Dhanora in the interest of justice.

(b) Direct the respondent to reinstate the applicant with immediate effect on the post of Police Patil, Dhanora, with continuity in Service from 23.12.2022 along with all consequential benefits, in the interest of justice.

(C) Grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

10. Interim relief, if any, prayed for:

This Hon'ble Tribunal be pleased to stay the effect, operation and execution of impugned order dated 23.9.2022, issued by respondent no.2, suspending the applicant from the post of Police Patil, Dhanora and thereby direct the respondent to reinstate the applicant on the post of Police Patil Dhanora, during the pendency of this application, in the interest of justice.

3. The O.A. is strongly opposed by the respondents. It is submitted that the applicant has committed misconduct. Therefore, he was suspended. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, the learned counsel for the applicant has fairly submitted that the applicant is now reinstated. Therefore, prayer clause nos. 1 and 2 is already satisfied.

5. As per the submission of learned counsel for the applicant, respondent no.2 has not paid subsistence allowance during the period of suspension. Therefore, he prayed for direction. In view of submissions, following order is passed.

ORDER

1. The O.A. is partly allowed.
2. The respondent no.2 is directed to pay subsistence allowance of the period of suspension to the applicant as per Rule within a period of one month from the date of receipt of this order.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated - 07/03/2024.
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 : 07/03/2024.
Uploaded on : 12/03/2024.
