

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO.641/2015.

Vaibhav Sahebrao Kamble,
Aged about 52 years,
Occ-Service,
R/o Superintendent Bungalow,
In front of Central Prison, Wardha Road,
Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Home Affairs,
Mantralaya, Mumbai-32.
2. The Dy. Inspector General of Prisons,
Eastern Region, Wardha Road, Nagpur.
3. The Additional Director General of Police (Prisons),
Central Building, (M.S.), Pune.
4. The Dy. Secretary,
Department of Home Affairs,
2nd floor, Mantralaya, Mumbai-32.

Respondents.

Shri R.V. Shiralkar, Ld. counsel for the applicant.
Shri A.P. Tathod, Ld. C.P.O. for the respondents.

Coram:- B. Majumdar, Vice-Chairman

Dated:- 15th February 2016.

Order

O.A. is heard and decided at admission stage with
the consent of the parties.

2. The applicant, a Superintendent of Jails has filed this
O.A. aggrieve with an order dated 31.3.2015 vide which he has been

placed under suspension. He made representations against the above order on 8.7.2015, 13.7.2015, 7.9.2015 and 8.9.2015. According to the applicant, he has not received any response to any of the representations. The respondents in the reply said that his suspension was due to escape of five prisoners from the Nagpur Central Prison which happened because he failed to discharge his duties. There are also other cases of enquiry against him and a chargesheet under rule 8 of the M.C.S. (Discipline and Appeal) Rules, 1979 has also been served on him. Thus, the suspension was justified.

3. Shri R.V. Shiralkar, learned counsel for the applicant submitted that under the provisions of the G.R. dated 14.10.2011, it is obligatory for the respondents to review the suspension of the applicant. He therefore submitted that the present O.A. can be disposed of by giving directions to the respondents to decide the applicant's representation and review his case in terms of the G.R. dated 14.10.2011.

4. Para 7-A of the above G.R. states that if a Government servant has been placed under suspension pending initiation of a departmental enquiry under rule 8 of the Discipline and Appeal Rules, his case should be reviewed after three months and a

decision to reinstate him or otherwise should be taken by the disciplinary authority on merit. It further states that if the departmental enquiry is not completed within six months, a decision should be taken to reinstate him by posting him elsewhere on a non functional post so that he cannot interfere with the process of enquiry.

5. I therefore direct the respondents to decide the applicant's representation as above and also review his case of suspension in the light of the G.R. dated 14.10.2011 within three months. The applicant is at liberty to approach this Tribunal in case he is aggrieved with the decision of the respondents in this regard. O.A. therefore stands disposed of accordingly.

sd/-

(B. Majumdar)
Vice-Chairman

pdg