

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH: NAGPUR

ORIGINAL APPLICATION NO. 715/2015

Laxminiwas Wamanrao Gotmare,
Aged about 53 years,
R/o Dehni, Tah. Babhulgaon,
Distt. Yavatmal.

-----**Applicant.**

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai. 32
 2. Sub-Divisional Officer, Yavatmal.
 3. Tahsildar, Baghulgaon, Distt. Yavatmal.
 4. The Collector, Yavatmal. ----- **Respondents.**
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1. Shri S.G. Shukla, Advocate for the applicant.
 2. Shri A.M. Ghogare, Presenting Officer for the Respondents.
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CORAM : Justice M.N. Gilani : Member (J)
DATE : 8th January , 2016

ORDER

The applicant while serving as Talathi at village

Dehni, Tah. Babhulgaon, Distt. Yavatmal has been placed under suspension on 4/4/2015. His grievance is that neither he has been paid subsistence allowance nor his suspension has been reviewed and revoked till date. It is further submitted that no charge sheet is yet served on him.

2. The case of the applicant is covered by the decision in the case of **Ajay Kumar Choudhary –Vs- Union of India through its Secretary and another (2015 (2) SCALE 432)**, wherein it has been held thus:-

" We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices without or outside the State so as to sever any local or personal contact that he may

have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognized that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."

3. In view of the fact that till date the applicant has not been served with the Charge sheet/Charge memo, his

suspension will have to be revoked. The O.A. is allowed in the following terms :-

- (a) The Respondent No.2 is directed to reinstate the applicant in service forthwith and is further directed to pay him subsistence allowance for the period during which he was under suspension. It shall be within his domain to post the applicant at an appropriate place.
- (b) No order as to costs.

Sd/-

(Justice M.N. Gilani)
Member (J)

Skt.