

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 184 OF 2023

DISTRICT:- JALNA

Kishori D/o Anandrao Alone,
Age : 41 years, Occ: Service as
Warden at Govt. Girls Hostel,
Ambad., R/o.: Govt. Girls Hostel,
Ghansawangi Road, Ambad,
Dist. Jalna.

.. APPLICANT

V E R S U S

1. The State of Maharashtra,
Through : The Secretary,
Social Justice and Special
Assistance Department,
Mantralaya, Mumbai-32.
2. The Commissioner for Social
Welfare, Maharashtra State,
Central Building, Pune-1.
3. The Regional Commissioner for
Social Welfare, Aurangabad Region,
Aurangabad.
4. The Asstt. Commissioner,
Social Welfare Department,
Opp. Collector Office, Jalna,
Dist. Jalna.

.. RESPONDENTS

APPEARANCE : Shri S.D. Joshi, learned counsel for the
applicant.
: Shri M.P. Gude, learned Presenting
Officer for the respondent authorities.

CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN

DATE : 16.03.2023

ORAL ORDER

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The Original Application is filed by the applicant seeking quashment of order of suspension served upon her on 9.2.2023. The applicant is working as Warden at the Government Girls' Hostel, Ambad, which is meant for the students from backward class. The contents of the order of suspension reveal that there are certain complaints against the present applicant taking to the administration of the girls' hostel. The nature of complaints reveal that the Hostel Girls are having complaint against the present applicant that she does not pay any heed to the complaints made by them and further that there are similar other difficulties which Hostel Girls are facing regarding the facilities to be provided to these girls in hostel. On the basis of the complaints so received it appears that the Regional Deputy Commissioner, Social Welfare, Aurangabad had visited the said Girls' Hostel, as well as, learned Member of Legislative Assembly, Shri Narayan Kuche also visited the Girls' Hostel and got known grievance of the girl students there. It is also revealed that the girls in the hostel complained about working

style of the applicant. In view of the complaints so received and the facts which were revealed in the visit of Deputy Regional Commissioner, Social Welfare, decision was taken to put the applicant under suspension and accordingly the impugned order has been served upon her. The said order is stated to be passed by invoking the provisions under Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, more particularly Rule 4 (1) (c) thereof.

3. Shri S.D. Joshi, learned counsel appearing for the applicant submitted that the complaints alleged to be made against the applicant are concocted. Learned counsel submitted that in fact, breakfast, lunch and dinner etc. everything is provided by the contractors appointed for that purpose. Learned counsel submitted that in fact, when it was noticed by the applicant that quality of certain items provided by the contractor is substandard, the applicant herself had made complaint against the said contractor and ultimately action was taken against the said contractor. Learned counsel further submitted that insofar as other alleged complaints are concerned, there is reason to believe that they are made not by the girls but at instance of the other persons. Learned counsel submitted that only because the applicant is strict in

administration, the persons who have vested interest have made the girls to make such complaints. Learned counsel submitted that from the record it reveals that the applicant is being continuously harassed by the authorities and one after another orders are passed against her. Learned counsel further submitted that the applicant is not running away from the charges leveled against her and is ready to face said charges. However, there is absolutely no need to keep her under suspension. Learned counsel submitted that the course of suspension is to be rarely adopted and in the circumstances if the charges are likely to result in dismissal or removal of the Government employee. Learned counsel further submitted that in the instant matter from the documents it can be discerned that according to the respondent authorities themselves even if all the charges are proved, the punishment was liable to be only to the extent of stoppage of increment i.e. a minor punishment. In the circumstances, the request has been made that the order of suspension may be stayed till decision of the present O.A.

4. The request so made is opposed by the respondents. In the affidavit in reply filed on behalf of the respondents they have refuted the contentions raised by the applicant in her O.A. It is contended that there is *prima facie* case against the applicant

for conducting enquiry into the misconduct alleged against her. It is further contended that there were certain complaints against the applicant from inmates of the Girls' Hostel at Ambad and a committee was appointed to look into the said complaint under the head of Deputy Regional Commissioner, Social Welfare and accordingly enquiry has been conducted and the report submitted by the said committee reveals that there is substance in the complaints so received against the applicant.

5. Learned Presenting Officer submitted that the applicant has been suspended in contemplation of Departmental Enquiry against her, which is likely to be shortly commenced against her. Learned P.O. further contended that directions are given for preparation of charge-sheet and will be served upon the applicant and enquiry will be commenced. Learned P.O. submitted that in view of the fact that the inmates of the Girls' Hostel are having serious complaints against the applicant, a conscious decision has been taken to keep away the applicant from the management of the Girls' Hostel and that is the reason that order of suspension has been issued against the applicant. Learned Presenting Officer, therefore, prayed for rejecting the request for staying the effect and operation of the impugned order.

6. I have duly considered the submissions advanced by Shri S.D. Joshi, learned counsel appearing on behalf the applicant and Shri M.P. Gude, learned Presenting Officer appearing on behalf of the State authorities. I have also gone through the documents filed on record. The documents, which are there on record, *prima facie*, reveal that the inmates of the Girls' Hostel at Ambad are having some complaints against the applicant. The common complaint seems to be that the applicant does not listen to the complaints or grievances raised by the said girls and that her behaviour is rude. Other complaints are off-course there about not getting the quality food, not getting the computer facility and other amenities, which are required there in the Girls' Hostel. Though it is accepted that there are contracts given for providing lunch, dinner etc., the applicant cannot disown the responsibility and to ensure that the inmates of the hostel shall get all these items at a proper time and in a proper standard. As has come on record that the applicant has made certain efforts. When she found that the food supplied by the contractor was not of the standard quality she made a complaint against the said contractor and action has also been taken against the said contractor. Even if that aspect is ignored it is difficult to negate or rule out the other common complaints, which are made by the Hostel Girls as about rude behaviour of

the applicant. Not only that the respondents have simply relied upon the complaints made by the girls, some preliminary enquiry has also been conducted and substance is found in the complaints so made. At this juncture it is very difficult to say that whether the complaints made are concocted, false or otherwise. There may be substance in the contention of the applicant that because of her strict administration she is facing such actions. However, all these can be said to be defences of the applicant which she can raise in the contemplated departmental enquiry. If the respondents think that till conclusion of the departmental enquiry she has to be kept away from the job assigned to her, it falls within the power and authority of the respondents. It cannot be lost sight of that the complaints of the inmates in the Girls' hostel are pertaining to of their daily requirements. The Warden is an officer, who looks after day to day requirements of the girls in the hostel. In the circumstances, by an interim order the Tribunal cannot foist the applicant as Warden in the said Girls' Hostel. It may also not be in the interest of the applicant. I reiterate that the decision in this regard has to be taken by the respondents and the Tribunals have a very little jurisdiction in such matter. In the circumstances, though I am conscious that the suspension casts a stigma on a Government employee, there is no other way

for the applicant except to prove her innocence in the ensuing departmental enquiry. The only relief which can be granted in favour of the applicant is to give direction to the respondents to complete the enquiry contemplated against the applicant as expeditiously as possible and in any case within a period of 4 months from the date of this order.

7. In view of the discussion made hereinabove it appears to me that though this is an interim stage nothing has remained to be considered in respect of the order of suspension passed against the applicant. In the circumstances, with consent of the parties, I deem it appropriate to dispose of the present O.A. at this stage itself with the following order: -

ORDER

- (i) The respondents shall complete the departmental enquiry contemplated against the applicant within 4 months from the date of this order.
- (ii) The applicant shall ensure that the enquiry proceedings are not prolonged at her instance.
- (iii) It is clarified that the observations made in the present order are *prima facie* and the enquiry officer or the respondents shall not get influenced by it and conduct an enquiry in an unbiased manner and by following principles of natural justice.

(iv) The Original Application stands disposed of in the above terms. There shall be no order as to costs.

VICE CHAIRMAN

O.A.NO.184-2023 (SB)-2022-HDD-Suspension