## IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

## ORIGINAL APPLICATION NO.607 OF 2024

Shri Rajendra Uddhav Vidyagar,
Aged 56 Years, working as Revenue Asstt. )
(currently under suspension) Office of the )
Divisional Commissioner Pune Division,
Pune.

R/at: 15, Queens Garden, General Aurn
Kumar Vaidya Marg, Pune 411 001.

DISTRICT: PUNE
SUB: Suspension
)
(currently under suspension)
(currently under suspension) Office of the )
(currently under suspension)
(currently under suspension) Office of the )
(currently under suspension)
(currently under suspension) Office of the )

## Versus

- 1. The State of Maharashtra, through )
  Principal Secretary (Revenue and )
  Forest Department), Mantralaya, )
  Mumbai 400 032.
- 2. Divisional Commissioner, Pune
  Division, Council Hall, opp. Poona
  Club Camp Area, Pune 411001.
- 3. The Collector, opposite Sassoon )
  Hospital, Sation Road, Pune 411001.)...Respondents

Smt. Punam Mahajan, learned Advocate for the Applicant. Shri A. D. Gugale, learned Presenting Officer for the Respondents.

CORAM : Hon'ble Shri M. A. Lovekar, Hon'ble Member (J)

Reserved on : 14.01.2025

Pronounced on : 17.01.2025

## **JUDGEMENT**

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A. D. Gugale, learned Presenting Officer for the Respondents.

2. The Applicant was working as 'Revenue Assistant' in the office of Respondent No.2. By order dated 27.02.2024, the Respondent No.2 placed the Applicant under suspension. The impugned order *inter-alia* stated that he had committed breach of Rule 3 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, and hence he was being suspended as provided under Rule 4(1) thereof. On 10.04.2024, the Applicant was served with a charge sheet of Departmental Enquiry containing the following charges:-

"दोषारोप क्र. १:- श्री. राजेंद्र विद्यागर, महसूल सहायक, (प्रशासन सक्कलन) महसूल शाखा, याची सदर पदावर कार्यरत असताना त्याच्च□सक्कलनास जिल्हाधिकारी पुण□ याच्चकडुन दि. १२/१०/२०२३ रोजी, उपविभागीय अधिकारी कार्यालय दौष्ठ या नवनिर्मित कार्यालयाच□सुधारित आकृतीबध माजुरीचा अहवाल प्राप्त झाला आह□सदरचा अहवाल वरिष्ठाची मान्यता घचून तो शासनास सादर करण□अपिक्षत होत□तथापि सदरचा अहवाल शासनास प्राप्त झाला नसल्यान□उक्त विषयाबाबत विधानसभा अतारािकत प्रश्न क्र. ७७८९० उपस्थित झाला आह□

दोषारोप क्र. २ :- श्री. राजेंद्र विद्यागर, महसूल सहायक, (प्रशासन सक्कलन) महसूल शाखा, याची सदर पदावर कार्यरत असताना त्याच्यासक्कलनाकड्यफलटण जि. सातारा यधील अपर तहसिल कार्यालय निर्माण करणबाबत मा. लोकसभा सदस्य याची शासनास दिलव्यानिवद्यन दि. ०५/१२/२०२३ रोजीचाशासन सद्यर्भासह प्राप्त असूनही त्याची त्यावर कार्यवाही कालवी नाही.

दोषारोप क्र. ३ :- श्री. राजेंद्र विद्यागर, महसूल सहायक, (प्रशासन सक्वलन) महसूल शाखा, या पदावर दि. २३/०६/२०२३ रोजीपासून कार्यरत असून त्याख्यकड□प्रशासन सक्वलनाचा कार्यभार आह□ सदर सक्वलनाच्या दप्तर तपासणीमध्य□दप्तर अद्यावत न ठावता त्यामध्य□अनक्व त्रुटी दिसून आलाख्या आहा.

दोषारोप क्र. ४ :- श्री. राजेंद्र विद्यागर, महसूल सहायक, (प्रशासन सक्वलन) महसूल शाखा, या पदावर दि. २३/०६/२०२३ रोजीपासून कार्यरत असताना कार्यालयीन कामकाजामध्यामोठ्या प्रमाणात प्रलिखतता ठावलाची आहा

दोषारोप क्र. ५ :- श्री. राजेंद्र विद्यागर, महसूल सहायक, (प्रशासन सक्वलन) महसूल शाखा, या पदावर दि. २३/०६/२०२३ रोजीपासून कार्यरत असताना प्रतिक्षाधीन नोद्ववही, नियतकालिक नोद्ववही, स्थायी आदाष्ट्रा सिक्वका अद्ययावत ठावलाची नाही या त्याद्या कार्यालयीन कामकाजामध्य जाणीवपूर्वक टाळाटाळ कार्याद्य दिसून या आह व त्याद्य कामाप्रती कर्तव्यपरायणता व सचोटी न ठावता त्याद्या नमून दिलाख्या कर्तव्यात कसूर

करून महाराष्ट्र नागरी सद्या (वर्तणूक) नियम, १९७९ मधील नियम ३ चा भ**ा काला** आहा

Hence, this Original Application seeking relief of reinstatement.

- 3. Stand of the Respondent No.2 is that the impugned order cannot be faulted either on facts or in law.
- 4. In his Rejoinder, the Applicant has contended that charges laid against him were unfounded and they did warrant suspension.
- 5. In her Sur-Rejoinder, the Respondent No.2 has reiterated that the impugned order is well founded.
- 6. The order of suspension is impugned on the following grounds:-
  - (1) It violates the guidelines contained in Manual of Departmental Enquires, as well as principles of natural justice.
  - (2) The order is malafide as there were no justifiable grounds to issue the same.
  - (3) Approach of the Respondent No.2 was biased.
- 7. The impugned order sets out elaborately the grounds which led to its passing. Show cause notice was issued to the Applicant. No procedural lapse could be pointed out by the Applicant. There is nothing to attribute either malafides or bias to Respondent No.2. Within three months from the date of the impugned order of suspension, the Applicant was served with a charge sheet. No violation of any of the guidelines in Manual for Departmental Enquires could be pinpointed. The impugned order does not suffer from any infirmity. Hence, the Original Application is dismissed with no order as to costs.

Sd/-( M. A. Lovekar) Member (J) Place: Mumbai

Date: 17.01.2025.
Dictation taken by: V. S. Mane
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