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
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(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 सक्वलन) महसूल शाखा, याची सदर पदावर कार्यरत असताना त्यां चाचि सक्वलनास जिल्हाधिकारी पुण□यां चक्वां दि. १२/१०/२०२३ रोजी, उपविभागीय अधिकारी कार्यालय दौं या नवनिर्मित कार्यालयाचा सुधारित आकृतीबं मां मां अहवाल प्राप्त झाला आहं सदरचा अहवाल विरष्ठां ची मान्यता घं चून तो शासनास सादर करण□अपि होता तथापि सदरचा अहवाल शासनास प्राप्त झाला नसल्यान□ उक्त विषयां बात विधानसभा अतारां कित प्रश्न क्र. ७७८९० उपस्थित झाला आहं □

दोषारोप क्र. २ :- श्री. राजेंद्र विद्यागर, महसूल सहायक, (प्रशासन सक्वलन) महसूल शाखा, याची सदर पदावर कार्यरत असताना त्याख□सक्वलनाकड□फलटण जि. सातारा यधील अपर तहसिल कार्यालय निर्माण करणाबाबत मा. लोकसभा सदस्य याची शासनास दिलावानिवाबन दि. ०५/१२/२०२३ रोजीचाशासन साध्मीसह प्राप्त असूनही त्याची त्यावर कार्यवाही कालावी नाही.

दोषारोप क्र. ३ :- श्री. राजेंद्र विद्यागर, महसूल सहायक, (प्रशासन सक्वलन) महसूल शाखा, या पदावर दि. २३/०६/२०२३ रोजीपासून कार्यरत असून त्याच्यक्वडाप्रशासन सक्वलनाचा कार्यभार आह□सदर सक्वलनाच्या दप्तर तपासणीमध्याद्मप्तर अद्यावत न ठावता त्यामध्याध्मनक्व 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 कामकाजामध्य⊔मोठ्या प्रमाणात प्रलिखतता ठखलाची आह⊔

दोषारोप क्र. ५ :- श्री. राजेंद्र विद्यागर, महसूल सहायक, (प्रशासन सक्कलन) महसूल शाखा, या पदावर दि. २३/०६/२०२३ रोजीपासून कार्यरत असताना प्रतिक्षाधीन नोद्ववही, नियतकालिक नोद्ववही, स्थायी आद्या सिक्किका अद्ययावत ट्वालाची नाही या त्याच्या कार्यालयीन कामकाजामध्य जाणीवपूर्वक टाळाटाळ कालाचिदिसून या आहा त्याचाकामाप्रती कर्तव्यपरायणता व सचोटी न ट्वाता त्याचा नमून दिलाच्या कर्तव्यात कसूर करून महाराष्ट्र नागरी सद्या (वर्तणूक) नियम, १९७९ मधील नियम ३ चा भा कालाचा 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.

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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