

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI**

**ORIGINAL APPLICATION NO.290 OF 2023**

**DISTRICT : THANE**

Shri Suresh Sadashiv Deshmukh, )  
Age 56 years, Joint Commissioner (Food), )  
Food and Drugs Administration, MIDC, )  
Vardhan Building, Wagle Estate, Thane )..Applicant

Versus

1. The State of Maharashtra, )  
Through Principal Secretary, )  
Medical Education & Drugs Department, )  
9<sup>th</sup> Floor, G.T. Hospital Campus, L.T. Marg, )  
New Mantralaya, Mumbai )
2. The Commissioner, )  
Food & Drugs Administration, )  
Bandra-Kurla Complex, Bandra (E), Mumbai )..Respondents

Shri A.V. Bandiwadekar – Advocate for the Applicant

Smt. Archana B.K. – Presenting Officer for the Respondents

CORAM : Shri Atulchandra M. Kulkarni, Member (A)

RESERVED ON : 4<sup>th</sup> February, 2025

PRONOUNCED ON: 11<sup>th</sup> February, 2025

**J U D G M E N T**

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant briefly informed the chronology of events in this matter and submitted that retirement benefits from the date of retirement i.e. 30.4.2024 are in disarray because period of 15 days has not been decided and makes reference to the order of this Tribunal dated 16.3.2023 by which suspension order dated 2.3.2023 came to be stayed.

3. I understand that the stay of suspension order will be operative not from the date of order of this Tribunal i.e. 16.3.2023 but from the date of suspension i.e. 2.3.2023.

4. Ld. PO relies on para 4 of the affidavit in reply dated 6.7.2023 filed by Vaishali M. Sule, Dy. Secretary, Medical Education & Drugs Department, Mantralaya, Mumbai on behalf of respondent no.1. However, this para refers to reasoning advanced by the department for the act of deputing some officers by the applicant beyond his normal charter of duties. When queried, Ld. PO submits that during the period between 2.3.2023 to 16.3.2023 since the applicant has not worked he will not be entitled for pay. When queried from the Ld. Advocate for the applicant he has informed that no Departmental Enquiry (DE) has been started in the matter, in which applicant was suspended.

5. Ld. PO points out in para 5 of the said affidavit and states that there are number of complaints against the applicant which are under the process of enquiry.

6. It is admitted fact that no DE has been started in the matter in which the applicant was suspended. Even for the sake of argument it is considered that the contention of respondent no.1 as reflected in the affidavit dated 6.7.2023 of Vaishali Sule is correct that the applicant has acted beyond his authority and hence misused his position; the very fact that a DE has still not been commenced, goes in favour of the applicant. Meanwhile, the applicant has retired on 30.4.2024. However, due to the indecision on the period of 15 days between 2.3.2023 and 16.3.2023, all the service benefits including retiral benefits are yet to accrue to the applicant.

7. The applicant prays for directions to the respondents to set aside the impugned order dated 2.3.2023 under which the applicant was placed under suspension.

8. On perusal of the documents submitted by the applicant it appears that the applicant had issued orders of deputation etc., on the instructions of the Commissioner, Food and Drugs Administration (FDA), for which he came to be suspended. He further contends in affidavit in rejoinder that respondent no.2; whose orders he followed in deputing officers, which led to his suspension; did not place correct facts before respondent no.1 and in fact sent a report against the applicant based on which respondent no.1 suspended the applicant.

9. In view of the above facts and the order dated 16.3.2023 passed by this Tribunal, the following order is passed:

### **ORDER**

(i) The Original Application is allowed.

- (ii) The impugned order dated 2.3.2023 is quashed and set aside.
- (iii) The period between 2.3.2023 and 16.3.2023 is to be treated as 'on duty'.
- (iv) The Respondents are directed to take necessary steps on priority basis to pass on all the consequential service and retirement benefits to the applicant within two months from the date of this order.
- (v) No order as to costs.

**Sd/-**  
**(A.M. Kulkarni)**  
**Member (A)**  
**11.2.2025**

Dictation taken by: S.G. Jawalkar.