

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.609 of 2024 (S.B.)**

Vishal S/o Tejrao Wagh,
Aged: Major, Years, Occ.: Service,
R/o. Tulsi Nagar, Ajispur Road,
Sagwan Buldhana.

Applicant.

Versus

1) State of Maharashtra,
through Public Health Department,
Mantralaya, Mumbai Mumbai -400 032.

2)The Deputy Director,
Health Service, Akola Division,
Ratanlal Plot, Akola, Dist.: Akola-444001.

Respondents.

**Sunita Kulkarni, S.D. Chande, S.V. Kulkarni, Advs. for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.**

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 03/03/2025.

JUDGMENT

Heard Shri S.V. Kulkarni, learned counsel for applicant
and Shri V.A. Kulkarni, learned P.O. for respondents.

2. The learned P.O. has filed reply of respondent no.2. It is
taken on record. The matter is admitted and decided finally.

3. The case of the applicant in short is as under -

The Police Station Officer, Buldhana has registered
offence punishable under Sections 416,420,464,467,468 and 471 of

IPC on 28/05/2024 against the applicant. Applicant had filed anticipatory bail before the District & Sessions Court, Buldhana. Applicant was released on anticipatory bail. Thereafter, the respondents suspended the applicant as per order dated 10/07/2024. The said order is malafide and therefore applicant prayed to quash and set aside the order.

4. Reply is filed by respondent no.2. It is submitted that the applicant has committed offence. The Crime no.432/2024 is registered at Police Station, Buldhana and same is under investigation. The entire case is based on the documents in the office of Civil Surgeon, Buldhana. The applicant is transferred from Buldhana to Daryapur, but he has not joined at the transferred place. The applicant has refused to accept the charge sheet dated 25/07/2024. The applicant has not joined at the transferred place, therefore, monthly pay and allowances admissible to applicant are not paid. The applicant is not attending the office since the date of suspension. The department will take necessary disciplinary action against the applicant. Hence, the O.A. is liable to be dismissed.

5. Heard learned counsel for applicant Shri S.V. Kulkarni. He has submitted that because of the misconduct of Civil Surgeon reported by the applicant, he is falsely implicated in the criminal case and therefore he is illegally suspended. The respondents have not

served the charge sheet within 90 days. The applicant has filed affidavit in that respect on 10/02/2025. The learned counsel for applicant has relied on the Judgment of the Hon'ble Supreme Court in ***Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another***, decided on dated 16/02/2015 and submitted that the charge sheet is not served within 90 days, therefore, suspension is liable to be revoked.

6. Heard learned P.O. for respondents Shri V.A. Kulkarni. He has submitted that after the suspension, the applicant was transferred from Buldhana to Daryapur. The said transfer order was challenged before this Tribunal. This Tribunal has not granted any stay to the transfer order. Thereafter also the applicant has not joined at the transferred place. He is absent from duty from the date of suspension order. The charge sheet dated 25/07/2024 is ready, i.e., within 90 days from the date of order of suspension. It could not be served to the applicant because he is absent from duty from the date of suspension. The applicant is not accepting the charge sheet, therefore, the applicant cannot say that charge sheet is not served within 90 days. Hence, the Judgment of the Hon'ble Supreme Court in ***Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India***

through its Secretary and another, is not applicable to the case in hand.

7. There is no dispute that after the suspension order, applicant was transferred from Buldhana to Daryapur. The applicant had challenged the transfer order before this Tribunal. This Tribunal has not granted any stay to the transfer order. There is no dispute that applicant has not joined at the transferred place. Applicant is absent from duty since the suspension order. The copy of charge sheet is filed along with the reply which is dated 25/07/2024. The applicant is absent from duty. Therefore, it could not be served to the applicant. Hence, applicant cannot say that charge sheet is not served within 90 days. The Judgment of the Hon'ble Supreme Court in ***Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another***, is not applicable to the case in hand. Hence, the following order -

ORDER

The O.A. is dismissed with no order as to costs.

Dated :- 03/03/2025.

**(Justice M.G. Giratkar)
Vice Chairman.**

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/03/2025.