

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.1055 of 2024 (S.B.)**

Prakash S/o Siddeshwar Vhatkar,
Age- 54 Yrs., Occu- Service (as Thasildar Korpana),
R/o- C/o District Collector, Chandrapur,
Tq & Dist. Chandrapur.

Applicant.

Versus

- 1) The Secretary,
Revenue and Forest Department,
Maharashtra State, Mantralaya, Mumbai- 400 032.
- 2) The Divisional Commissioner Revenue,
Nagpur, Division Nagpur.
- 3) The District Collector,
Chandrapur, Tq & Dist. Chandrapur.

Respondents.

**S.P. Palshikar, K.G. Salunke, J.S. Deshmukh, Advs. for the applicant.
Shri A.P. Potnis, learned P.O. for respondents.**

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

Dated :- 05/03/2025.

JUDGMENT

Heard Shri S.P. Palshikar, learned counsel for applicant
and Shri A.P. Potnis, learned P.O. for respondents.

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

The applicant was working as a Tahsildar at Tahsil Office,
Korpana. The applicant is suspended on the ground that some of the
members of the Gram Panchayat, Kadholi were disqualified. The

applicant was appointed as a Presiding Officer for conducting the election for the vacant posts of disqualified members. The applicant without waiting for appeal period, conducted the election in haste, therefore, the applicant is suspended by the respondents.

3. As per the submission of learned counsel for applicant, the applicant has performed his duty, there was no any illegality. Hence, the suspension order issued by respondents is liable to be revoked.

4. The reply is filed by respondents. In para-6 of the reply, the respondents have opposed the contention of the applicant. It is submitted that the applicant without waiting for appeal period, conducted the election, therefore, he is suspended. Hence, the O.A. is liable to be dismissed.

5. During the course of submission, the learned counsel for applicant has pointed out 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 16/02/2015 and G.R. issued by the Government of Maharashtra dated 09/07/2019. The Hon'ble Supreme Court in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another*** has held that if the charge sheet is not served within 90 days, then suspension is to be revoked. After the Judgment of the Supreme Court, the State

Government has issued the G.R. dated 09/07/2019 and taken the following decision –

- i) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेउन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) नक्षम प्राधिका-याच्या स्तरावर घेण्यात यावा.
- ii) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांचा कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा. सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करून दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसांच्या आत काटेकोरपणे केली जाईल याची दक्षता/ खबरदारी घेण्यात यावी.
- iii) फौजदारी प्रकरणात विशेषतः लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करून दोषारोप पत्र बजावणेबाबत आवश्यक तो अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधित प्रशासकीय विभागास उपलब्ध करून देणे आवश्यक राहिल.

6. The applicant had filed affidavit on 05/02/2025. He has stated in the affidavit that till date respondents have not served any charge sheet. Today also learned counsel for applicant made a statement that charge sheet is not served to the applicant.

7. The learned P.O. Shri A.P. Potnis has not disputed about the non-service of charge sheet to the applicant.

8. The suspension order is dated 27/09/2024. Therefore, it is clear that respondents have not issued charge sheet within 90 days. Therefore, in view of the Judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another** and as per G.R. dated 09/07/2019, the

suspension order is liable to be revoked. Therefore, following order is passed -

ORDER

- (i) The O.A. is partly allowed.
- (ii) The suspension order dated 27/09/2024 is hereby revoked.
- (iii) The respondents are directed to reinstate the applicant within a period of one month from the date of receipt of this order.
- (iv) No order as to costs.

Dated :- 05/03/2025.

(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 : 05/03/2025.