

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.806 OF 2024**

**DISTRICT : PUNE**

**Sub.:- Suspension**

Shri Jogendra Prakash Katyare. )  
Age : 49 Yrs, Worked as Sub-Divisional )  
Officer, Sub-Division, Khed, having office )  
at Rajguru Nagar, District : Pune and )  
R/o. SDO Quarters, Rajguru Nagar, )  
Tal.: Khed, District : Pune. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through Additional Chief Secretary, )  
Revenue & Forest Department )  
[Revenue], Mantralaya, Mumbai-32. )  
2. The District Collector, Pune. )  
Having office at Pune. )...**Respondents**

**Shri A.V. Bandiwadekar, Advocate for Applicant.**

**Smt. K.S. Gaikwad, Presenting Officer for Respondents.**

**CORAM : Shri M.A. Lovekar, Vice-Chairman**

**Reserved on : 24.03.2025**

**Pronounced on : 25.03.2025**

**JUDGMENT**

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

2. Case of the Applicant is as follows. The Applicant joined as Sub-Divisional Officer, Khed, District Pune on 20.06.2023. As per GR dated 29.05.2018 and provisions of "Maharashtra Highways Act, 1955", Notification was issued on 03.11.2020 by the Public Works Department and the Applicant was appointed as Authorized Officer for the purpose of acquisition of land for Ring Road. This was followed by the Circular dated 31.05.2021. Local MLA of Rajguru Nagar, Khed Mr. Dilip Mohite Patil approached the Hon'ble Revenue Minister who asked the District Collector, Pune to enquire into the complaints against the Applicant. District Collector, Pune appointed Land Acquisition Officer No.22, Pune as 'Enquiry Officer'. Mr. Galande accordingly conducted the enquiry and submitted Report to the Divisional Commissioner, Pune Division that nothing was found against the Applicant. The State Government accepted this Report. The work of the Applicant for acquisition for Ring Road was appreciated by the Print Media. The Media was displeased with interference of local MLA in these works. By order dated 20.05.2024, Respondent No.2 transferred charge of Ring Road Acquisition to the Deputy Collector, Land Acquisition No.19, Pune. This order was, however, not implemented. The Applicant, therefore, continued to work as 'Authorized Officer'. By order dated 20.05.2024, Respondent No.2 appointed 2 Additional Collectors to enquire into the complaints against the Applicant. The Applicant had a strong suspicion that Respondent No.2 was acting at the behest of the local MLA and both of them did not want the Applicant to work as 'Authorized Officer'.

3. On 27.05.2024, the Applicant made a complaint to the Additional Chief Secretary [Revenue], Maharashtra State against handing over charge of acquisition work for Ring Road to another Officer. He raised a grievance that this was done unauthorizedly and illegally. By order dated 28.05.2024, Respondent No.2 directed inspection of land acquisition work for Ring Road. The Applicant then made a complaint to the Additional Chief Secretary, GAD, Government of Maharashtra on

29.05.2024 that District Collector, Pune Mr. Suhas Divse was liable to be transferred as per directives of Election Commission of India. Both the Applications viz. Applications dated 27.05.2024 and 29.05.2024 were made bonafide to ventilate his grievances by the Applicant. Respondent No.2 issued a Memo dated 20.06.2024 calling upon the Applicant to show cause why Disciplinary Proceeding be not initiated against him. On 24.06.2024, Respondent No.2 issued a Show Cause Notice to the Applicant as to why Departmental Proceeding be not initiated against him. On 28.06.2024, Respondent No.1 passed the impugned order placing the Applicant under suspension in contemplation of initiation of Departmental Enquiry under Rule 8 of 'The MCS (Discipline and Appeals) Rules, 1979' (hereinafter referred to as 'Rules of 1979' for brevity). By Charge-sheet dated 28.06.2024, Departmental Enquiry was initiated against the Applicant by Respondent No.1 on the charge that by letters dated 27.05.2024 and 29.05.2024, he had levelled false and baseless allegations against a Senior IAS Officer, thereby image of the Government was maligned and confusion was created in the mind of citizens about electoral process.

4. The Applicant has challenged the order of his suspension on the following grounds.-

- (i) The order was malafide. It was issued because Respondent No.2 and the local MLA were bent upon removing the Applicant from the post of SDO, Khed so that he could not function as 'Authorized Officer';
- (ii) Because it was not possible to transfer the Applicant, he was placed under suspension to secure the aforesaid end;
- (iii) The order of suspension of the Applicant was issued on 28.06.2024 presumably in contemplation of initiation of DE. On the same day, Charge-sheet was issued. Once Charge-

sheet was issued, efficacy of and justification for the order of suspension came an end;

- (iv) Even if charge against the Applicant is taken on its face value, it would not lead to imposition of major penalty and hence, order of suspension was unwarranted.
- (v) Only the Public Works Department could have taken away the powers of Authorized Officer vested in the Applicant by virtue of provisions of the "Maharashtra Highways Act, 1955";
- (vi) By Report dated 05.01.2024, the Applicant was absolved of charge of having committed irregularities. This finding was accepted by Respondent No.1. Hence, there was no reason to again institute an enquiry against the Applicant by order dated 20.05.2024.
- (vii) By letters dated 27.05.2024 and 29.05.2024, the Applicant had bonafide ventilated his grievance. These letters could not have furnished a ground to suspend the Applicant and initiate Departmental Proceeding against him.
- (viii) The Competent Authority to pass the order of suspension of the Applicant was Hon'ble Chief Minister. The order was instead issued by Respondent No.1. This lacuna would be fatal.

5. Stand of Respondent No.1 is as follows. The Applicant directly approached this Tribunal without first availing the remedy of Appeal provided under Rule 17 of 'Rules of 1979'. The impugned order was passed in view of initiation of DE against the Applicant. By letter dated 11.12.2023, the Divisional Commissioner, Pune Division directed Respondent No.2 to hand over all land acquisition works entrusted to the Applicant, to SDO, Junnar until further orders. After Report of Enquiry

dated 05.01.2024 by which the Applicant was absolved, the charge of land acquisition works was again given to the Applicant. As per order dated 28.05.2024, record of land acquisition works for Ring Road carried out by the Applicant was inspected. By letters dated 27.05.2024 and 29.05.2024, the Applicant levelled baseless allegations against a Senior IAS Officer. The Applicant did not respond to Show Cause Notice dated 20.06.2024. The impugned order of suspension issued by Respondent No.1 is in consonance with Rule 4(1) of 'Rules of 1979'.

6. In his Rejoinder, the Applicant has stated that as per answer to one of the Frequently Asked Questions compiled by DOPT, the Applicant had made his complaint against IAS Officer to the Chief Secretary/Principal Secretary, GAD. Any attempt to route complaint against Respondent No.2 through him would have been in vain since the allegations were primarily levelled against him.

7. It may be reiterated that only order of his suspension dated 28.06.2024 is impugned by the Applicant. In a subsequently instituted enquiry, the Divisional Commissioner, Pune Division submitted the Report concluding therein as follows :-

“उपरोक्त वस्तुस्थितीचे अवलोकन केले असता श्री. जोगेंद्र कट्यारे, उपविभागीय अधिकारी खेड जिल्हा पुणे यांच्या कार्यालयीन कार्यपद्धतीमुळे त्यांचेविरुद्ध प्राप्त झालेल्या तक्रारींची चौकशी करणेसाठी त्यांच्या कार्यालयाची तपासणी करणेचे कामकाज सुरु झाल्यामुळे वेळोवेळी होऊन त्यांनी नैराश्यपोटी शासन स्तरावर तक्रार दाखल केलेचे स्पष्ट होते. वास्तविक पाहता श्री. कट्यारे यांचेविरुद्ध प्राप्त झालेल्या तक्रारींची सखोल चौकशी होणे क्रमप्राप्त आहे. याकरीता जिल्हाधिकारी यांनी स्वतंत्र चौकशी समिती गठित केलेली आहे. तसेच श्री. कट्यारे यांनी लोकसमा सार्वत्रिक निवडणूक-२०२४ च्या प्रतिक्रियेच्या यशस्वीपणे पूर्तसेवायत नमूद केलेली शंका अनाढ्यी असून त्यांचे व्यक्तिरिक्त अशी रात्रार कोणत्याही राजकीय पक्षाने अथवा अन्य कोणीही केलेली नसून पुणे जिल्ह्यातील सर्व चारही लोकसमा भत्तवार संघातील निवडणूकांच्या मरादानाये कामकाज सुरळीतपणे झालेले आहे. त्यामुळे चरील विवेचनाचे आचारे श्री. जोगेंद्र कट्यारे, उपविभागीय अधिकारी खेड जिल्हा पुणे यांचे संबंधित अर्ज निकाली काढणे उचित होईल.

श्री. जोगेंद्र कट्यारे यांनी उपजिल्हाधिकारी संवर्गात कार्यरत असताना महाराष्ट्र नागरी सेवा (वर्तणूक) नियम, १९७९ मधील तरतुदींचा गंग केलेला आहे. तसेच त्यांनी नैराश्यपोटी केलेल्या तक्रारींचा मुळ विषय भूसंपादन कामकाजायावत प्राप्त तक्रारींमुळे कार्यालयीन तपासणीचा असताना त्यांनी त्यामध्ये निवडणूक विषयक चर्चा अकारण समावेश करून दिशाभूल करणेच्या हेतूने मा. भारत निर्वाचन आयोग, मा. मुख्य निवडणूक अधिकारी कार्यालय, महाराष्ट्र राज्य आणि शासनाच्या महसूल प्रशासनाची प्रतिमा मलीन केलेली आहे. तसेच अत्यंत पारदर्शक पद्धतीने पार पाडल्या जात असलेल्या निवडणूक प्रक्रियेसंबंधात सामान्य नागरिकांच्या मनात संशय निर्माण केला आहे. सदरचा प्रमाद गंभीर स्वरूपाचा असल्यामुळे श्री. जोगेंद्र कट्यारे यांचेविरुद्ध तातडीने कार्यवाही करणे आवश्यक आहे. यावायत शासन स्तरावरून उचित आदेश व्हावेत ही विनंती.

चौकशी दरम्यान निवडणूक निर्णय अधिकारी, ३६ शिरूर लोकसमा मतदार संघ, श्री. अजय मोरे तसेच सहाय्यक निवडणूक निर्णय अधिकारी, १९७ खेड-आळंदी विधानसभा मतदार संघ श्री. जोगेंद्र कट्यारे यांनी मतमोजणी सुरळीतपणे पार पडण्याकवत विश्वास व्यक्त केला आहे. तथापि, श्री. जोगेंद्र कट्यारे यांनी चौकशीमध्ये त्यांचा रक्तदाव वाढला असल्याचे

(shoot up) सांगितले आहे. तसेच त्यांनी मा. अपर मुख्य सचिव, महसूल यांना लिहीलेल्या तक्रारीमध्ये, “आत्महत्येशिवाय पर्याय राहणार नाही” असाही उल्लेख केलेला आहे. यावरून श्री. जोगेंद्र फट्यारे हे गतमोजणी प्रक्रिया पार पाडण्यास शारीरिक व मानसिकदृष्ट्या सक्षम आहेत का ? असा प्रश्न उपस्थित होतो. त्यामुळे त्यांचे ऐवजी १९७ खेड-आळंदी विधानसभा मतदार संघासाठी इतर अतिरिक्त सहाय्यक निवडणूक निर्णय अधिकारी यांचे नेतृत्वात मतमोजणी प्रक्रिया पार पाडणे योग्य होईल असे इकडील मत आहे. याबाबत उचित आदेश व्हावेत ही विनंती.

सोवत:- जिल्हाधिकारी पुणे, अपर जिल्हाधिकारी पुणे यांनी दाखल केलेल्या लेखी अहवालाच्या प्रती सादर केल्या आहेत.”

8. By letter dated 01.06.2024, Respondent No.2 informed Respondent No.1 as follows :-

“महाराष्ट्रामध्ये पुणे जिल्हा निवडणूक कामकाजाच्या दृष्टीने सर्वात मोठा आहे. पुणे जिल्ह्यामध्ये एकूण ४ लोकसभा मतदार संघ असून एकूण ८३ लाखांच्या वर मतदार आहेत व सुमारे ८४०० मतदान केंद्र असलेली लोकसभा निवडणूक ही अत्यंत संवेदनशील होती मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे मार्गदर्शन व नेतृत्वाखाली व माझ्या अधिपत्याखाली संपूर्ण जिल्हा प्रशासनाने उत्कृष्टपणे निरपेक्ष निर्भय व मुक्त वातावरणात निवडणूक प्रक्रिया पार पाडलेली आहे व आता दिनांक ४ जून २०२४ रोजी मतमोजणीसाठी संपूर्ण यंत्रणा सज्ज झालेली आहे. या पार्श्वभूमीवर निवडणूक कामा व्यतिरिक्त प्रशासकीय कामकाज व निवडणूकीचे कामकाज यांची मुददाम गल्लत करून श्री जोगेंद्र फट्यारे हे संपूर्ण प्रशासनावर व निवडणूक कामकाजावर प्रश्नचिन्ह निर्माण करीत आहेत त्यांच्या या कृतीमुळे संपूर्ण जिल्ह्यातील प्रशासनाच्या मनोबलावर निश्चितीच विपरीत परिणाम झालेला आहे श्री जोगेंद्र फट्यारे यांनी कार्यालयीन शिस्तीचे पालन न करता वरिष्ठांकडे केलेला पत्रव्यवहार, विविध प्रसार माध्यमाद्वारे प्रसारित केलेल्या बातम्या व प्रशासकीय कागदपत्रे या विषया बाबत विविध प्रसार माध्यमांमध्ये गलिच्छ शब्दांमध्ये प्रसारित केलेले आक्षेप, हे कार्यालयीन शिस्तीचा भंग करणारे आहे व महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम १९७९ तरतूदी नुसार अत्यंत कडक शिस्तभंगाची कार्यवाहीस पात्र आहेत. अशा प्रकारच्या कृत्यामुळे जिल्हा प्रशासनाची व जिल्हाधिकारी या संस्थेची बदनामी व निवडणूक विषयक कामकाज मध्ये कारण नसताना संशयाचे वातावरण निर्माण करून पुणे राज्याची प्रतिमा मलीन होते. अशा अधिका-या विरुद्ध कठोर कार्यवाही न केलेस भविष्यात अशा प्रकारची प्रवृत्ती बळावेल आणि काम करणे अशक्य होईल, सबब, श्री जोगेंद्र फट्यारे यांचे विरुद्ध तात्काळ अत्यंत कडक प्रशासकीय कार्यवाही करणेत यावी, ही विनंती आहे.”

On 01.06.2024, the concerned Election Officer wrote to the Divisional Commissioner, Pune as follows :-

“श्री. जोगेंद्र फट्यारे, उपविभागीय अधिकारी, खेड तथा सहाय्यक निवडणूक निर्णय अधिकारी, खेड-आळंदी यांनी मा. श्री. सुहास दिवसे, जिल्हाधिकारी, पुणे यांचेबाबत जी तक्रार केली आहे ती योग्य नाही. कारण मा. श्री. सुहास दिवसे सरांनी निवडणूक आचारसंहिता सुरु झाल्याच्या पहिल्या दिवसापासून ते आजपर्यंत कधीही निवडणूकीच्या संदर्भात चुकीच्या सूचना किंवा आदेश दिलेले नाहीत. तसेच कुठल्याही उमेदवाराबाबत कसा निर्णय घ्यावा, याबाबत देखील कुठलेही आदेश दिलेले नाहीत. मी, निवडणूक निर्णय अधिकारी म्हणून सर्व निर्णय घेतले आहेत. त्यात कोणीही कोणत्याही प्रकारे प्रभाव टाकण्याचा प्रयत्न केलेला नाही. तसेच श्री. फट्यारे यांच्या व इतर सहाय्यक निवडणूक निर्णय अधिकारी यांच्या मी वेळोवेळी बैठका घेतल्या आहेत. त्या बैठकांमध्ये मी मा. निवडणूक आयोगाने वेळोवेळी दिलेल्या सूचना व त्याची अंमलबजावणी तात्काळ करावी, याबाबत सर्व सहाय्यक निवडणूक निर्णय अधिकारी यांना निर्देश दिले आहेत.”

9. In his Affidavit, Respondent No.2 has stated.-

“As to Para no. 6.40 and 6.41, I say and submit that, contentions therein are denied. in Para No.-V (Question No.1) of the FAQ's it has been stated that, if an IAS officer serving in connection with the State Government, the complaints should ordinarily be addressed to the Chief Secretary, Principal Secretary (GAD) in the State Government, the State Government being the authority competent to take action against him through proper official channel. In the present case the Applicant never filed his complaint before both the above offices and filed the complaint

to the Additional Chief Secretary, Revenue Department. Moreover, the Applicant filed complaint against the Collector Pune to the Chief Electoral Officer, Maharashtra State and Election Commissioner, Election Commission of India which is not at all mentioned in the FAQ's submitted by the Applicant along with the rejoinder. The Applicant's said Conduct of directing approaching to the Election Commission is/was in violation of office discipline. The Applicant has failed to place on record sufficient strict proof in support of his contention that the District Collector, Pune was unconstitutionally using his position to create evidence against the Applicant, so MLA will be in position to transfer him after 04.06.2024. The applicant is creating unnecessary confusion by mixing his role as a Sub Divisional Officer and as an election officer. These two are independent roles and do not have any bearing on each other. The Applicant never wanted enquiry to happen because he was aware that it would expose his financial irregularities. Hence, he resorted to making complaints to the CEC, CEO and higher authorities taking shelter of his role as an election officer. In fact the Applicant was discharged from his election duties as ARO for counting at his conduct. I say and submit that, as the District Collector is a Administrative head of all departments in the district. All Land Acquisition Officers are working under Collector's control through his land acquisition branch in collector office. If any complaint filed by the project affected persons regarding their land acquisition work before Collector, it is the duty of the Collector to take its cognizance and to enquire and submit report to the Government. As various complaints were received from project affected persons about illegal payments made by the Applicant without following due procedure of law causing financial loss and harassment, it was thought fit to conduct an enquiry."

10. On 28.06.2024, the impugned order of suspension of the Applicant was passed. By Charge-sheet dated 28.06.2024, solitary charge was laid against the Applicant, relevant part of which reads as under :-

“दोषारोप क्र. १ :-

श्री जोगेंद्र कट्यारे, उपविभागीय अधिकारी खेड, उपविभाग खेड यांनी दिनांक २७/०५/२०२४ रोजी मा. अपर मुख्य सचिव, (महसूल) महाराष्ट्र राज्य, यांचेकडे पुणे (पूर्व) चक्राकार मार्ग, उपविभाग खेड अंतर्गत कामकाज बेकायदेशीरपणे अन्य अधिका-याकडे सोपविलेबाबत तक्रार केलेली आहे. त्यामध्ये १९७-खेड आळंदी विधानसभा मतदारसंघाचे विद्यमान आमदार हे सन २०२३ पासून श्री. कट्यारे यांचेविरुद्ध जाणीवपूर्वक खोटयानाट्या तक्रारी करीत असून त्यामध्ये आमदारांचे ऐकून त्यांच्या दबावाखाली अपचारी यांना त्रास देण्याच्या हेतूने जिल्हाधिकारी, पुणे यांनी अपचारी यांचेकडे असणाना पूर्व चक्रकारी मार्गाकरीता खेड तालुक्यातील जमीन भूसंपादनासंदर्भातील कार्यभार दिनांक २०/०५/२०२४ रोजीच्या आदेशान्वये काढून घेतला आहे आणि अपचारी यांच्या कामकाजाची चौकशी सुरु केली आहे. सदरची कार्यवाही जी प्रशासकीयदृष्ट्या व नैसर्गिक न्याय तत्वानुसार बेकायदेशीर आहे. जिल्हाधिकार्यांचे आमदारांशी घनिष्ट संबंध असल्यानेच हा कार्यभार काढून घेतला आहे व त्यामुळेच आचारसंहितेचा भंग झालेला आहे असे बिनबुडाचे बेछुट आरोप केलेले आहेत.

तदनंतर दिनांक २९/०५/२०२४ रोजी मा. मुख्य निवडणूक आयुक्त, भारत निर्वाचन आयोग व मा. मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य, मुंबई यांचेकडे श्री. कट्यारे येत लेखी तक्रार केली असून त्यामध्ये श्री. सुहास दिवसे, जिल्हाधिकारी, पुणे यांना जिल्हाधिकारी, पुणे पदावर नियुक्ती देताना, मा. भारत निवडणूक आयोगाच्या निर्देशांचे पालन झाले नसल्याचे नमूद केले आहे. ज्यामुळे श्री. कट्यारे यांनी मा. भारत निवडणूक आयोग, तसेच महाराष्ट्र शासनाने घेतलेल्या निर्णयाविरुद्ध आक्षेप घेऊन श्री. कट्यारे यांनी महाराष्ट्र शासन व मा. निवडणूक आयोगाच्या कार्यपद्धतीवर व निर्णय प्रक्रीयेवर आक्षेप घेतल्याचे स्पष्ट होत असल्याने अपचारी यांनी जनमाणसामध्ये शासनाची प्रतिमा मलिन केलेली आहे.

श्री. कट्यारे यांच्या कार्यालयीन पद्धतीमुळे त्यांच्याविरुद्ध प्राप्त झालेल्या तक्रारीची चौकशी करणेसाठी सुरु केलेली प्रशासकीय कार्यवाही आणि निवडणूक आचारसंहिताविषयक बाबींची अकारण गल्लत करून दिशाभूल करण्याच्या दृष्टीने मा. भारत निर्वाचन आयोग, मा. मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य आणि पुणे जिल्हा प्रशासनाची प्रतिमा मलिन केली आहे. अत्यंत पारदर्शक पद्धतीने निवडणूकीचे कामकाज सुरु असताना केवळ व्यक्तीगत स्वार्थापोटी वेगवेगळ्या स्तरावर थेट तक्रारी करून निवडणूक प्रक्रीयेसंदर्भात सामान्य नागरीकांमध्ये संभ्रम निर्माण केला आहे. श्री. कट्यारे यांचे सदर कृत्य शासकीय कर्मचा-याला अशोभनीय ठरेल असे आहे.”

11. In the instant case, chronology is not in dispute. The impugned order of suspension of the Applicant was passed by Respondent No.1 who was Competent to pass it. On the same day, Charge-sheet was issued to the Applicant. It cannot be said that on filing of Charge-sheet efficacy of order of suspension had automatically ceased. Charge laid against the Applicant is serious. There is no material to conclude that the impugned order was *malafide*.

12. The Applicant has relied on ***Chatrapal Vs. State of Uttar Pradesh & Anr. : 2024(5) SLR 245 (S.C.)***. In this case, the Appellant was a Class-IV employee. Charge of sending Representation directly to the Hon'ble High Court without availing the proper channel was laid against him. A punishment of termination of services was imposed. It was maintained by the Hon'ble Supreme Court. The Hon'ble Supreme Court held that in these facts, punishment of termination of services could not be imposed.

13. The Applicant has further relied on the Judgment of this Tribunal dated 28.03.2023 in ***OA No.63/2023 (Smt. Trupti Kolte Vs. State of Maharashtra, Through Additional Chief Secretary, Revenue and Forest Department)***. In this case, it is held.-

“19. From the aforesaid provisions, following judicial propositions are culled out.

(i) Suspension should not be ordered unless the allegations made against the delinquent or grave and there is prima-facie case of major punishment of dismissal or removal from service.



(ii) Suspension can be invoked where delinquent's continuation in active service is likely to hamper the investigation of crime or departmental proceedings.

(iii) Suspension cannot be resorted as a matter of rule and it can be invoked as a last resort where enquiry cannot be fairly and satisfactorily completed without delinquent being kept away from the post or his continuation in post is likely to cause embarrassment.

(iv) Suspension order is not immune from judicial scrutiny and delinquent can challenge the suspension, if it is actuated by malafide, arbitrariness or where it is totally unwarranted in the facts and circumstances of the case.

(v) The facts and circumstances of each case needs taken into consideration as to whether suspension is warranted and there is no strait-jacket formula."

Guideline No.(v) shows that in cases of suspension, each case needs to be considered in the light of its facts and circumstances to ascertain whether suspension was warranted and for such ascertainment, there is no strait-jacket formula. The facts of the case in hand show that the order of suspension was founded on justiciable grounds.

14. The order of suspension dated 28.06.2024 is still subsisting. It is not the case of the Respondents that it was reviewed and then extended. According to the learned PO, the matter of suspension of the Applicant will be placed before the Hon'ble Chief Minister on 11.04.2025. In ***Ajay Kumar Choudhary Vs. Union of India through its Secretary & Anr. (Judgment of the Hon'ble Supreme Court dated 16.02.215 in Civil Appeal No.1912/2015)***, it is held.-

*"14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension."*

15. Considering the aforequoted legal position, though the Applicant is held not entitled to get the relief of quashing and setting aside the order

of his suspension, necessary directions will have to be issued to Respondent No.1. If the order of suspension of the Applicant has not been so far reviewed as per the directions contained in **Ajay Kumar Choudhary** (supra), further suspension of the Applicant would be impermissible. In view of this conclusion, further necessary order shall be passed within three weeks from today. Issue of seeking consequential reliefs is kept open. OA is allowed in these terms with no order as to costs.

Sd/-  
**(M.A. LOVEKAR)**  
**Vice-Chairman**

Mumbai

Date : 25.03.2025

Dictation taken by :

S.K. Wamanse.

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