

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.1189 of 2024 (S.B.)**

Shri Jivan S/o Bhoju Rathod,
Aged about 40 years, Occ: Service,
R/o Flat No. G-1, Wing No. 3, Tapowan Road,
Near Gajanan Maharaj Mandir, Dadaji Apartment, Amravati,
Dist- [Maharashtra].

Applicant.

Versus

- 1) The District Election Officer and Collector, Akola
Collector Office, Akola, Dist- Akola.
- 2) The Returning Officer,
Murtizapur Vidhansabha
Constituency-32 and Sub-Divisional Officer,
Murtizapur, Dist- Akola.
- 3) The State of Maharashtra,
through its secretary Department of Revenue and Forests,
Mantralaya, Mumbai-400 032.

Respondents.

S/Shri R.J. Mirza, Rahul Vyawahare, Advocates for the applicant.

Shri A.M. Khadatkhar, learned P.O. for respondents.

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

Dated :- 24/04/2025.

JUDGMENT

Heard Shri R.J. Mirza, Id. Counsel for applicant and Shri
A.M. Khadatkhar, Id. 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.

3. With the consent of learned counsel for both parties, the matter is heard and decided finally.

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

The applicant is working as Talathi in 2010. He was appointed at Deodari, Tq. Barshitakli, Dist. Akola. Thereafter, he was transferred to Saza Sirso Part-2, Tq. Murtijapur, Dist. Akola. The applicant was appointed as a Member of Flying Squad Team at Murtizapur for conducting the Maharashtra Vidhansabha / Assembly General Elections, 2024. Respondent no.2 issued show cause notice to the applicant on 12/11/2024 asking him to submit his explanation regarding the news published in the daily Newspaper Lokmat on 12/11/2024. The applicant had submitted his explanation to the said show cause notice. Respondent no.2 conducted inquiry and submitted his report to respondent no.1 and recommended the suspension of Team Leader Mr. Sarap and the applicant. On the basis of alleged inquiry report, respondent no.1 passed impugned order dated 14/11/2024, whereby, the applicant is suspended.

5. The O.A. is strongly opposed by the respondents. It is submitted that the applicant has committed misconduct earlier. In the earlier inquiry, many charges were levelled against the applicant. Hence, the O.A. is liable to be dismissed.

6. During the course of submission, the learned counsel for applicant has pointed out the suspension order dated 14/11/2024. As per his submission within 90 days charge sheet is not served. He 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*** and submitted that the if the charge sheet is not served within 90 days, then suspension is to be revoked.

7. The learned P.O. has submitted that the process of serving charge sheet is going on. The respondents may review the suspension order as per the G.R. dated 09/07/2019.

8. In the reply filed by respondents, there is nothing on record to show that any charge sheet is served to the applicant in respect of departmental inquiry for which the applicant is suspended by the impugned order dated 14/11/2024. Now 90 days is over. As per the Judgment of the Hon'ble Supreme Court in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another***, the guidelines are given. After the said Judgment, the Government of Maharashtra has also issued G.R. dated 09/07/2019. Nothing on record to shows that the suspension order is reviewed by respondents. As per the Judgment of the Hon'ble Supreme Court in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its***

Secretary and another, if the charge sheet in respect of departmental inquiry is not served to the delinquent employee within 90 days from the date of suspension order, then suspension order is to be revoked.

9. In the present O.A. the suspension order is dated 14/11/2024. Till date the charge sheet is not served to the delinquent employee / applicant. Hence, in view of judgment of Hon'ble Supreme Court in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another***, the suspension order dated 14/11/2024 is liable to be revoked. Hence, the following order -

ORDER

(i) The O.A. is allowed.

(ii) The suspension order dated 14/11/2024 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 :- 24/04/2025.

(Justice M.G. Giratkar)
Acting 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 Acting Chairman.

Judgment signed on : 24/04/2025.