

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 69 OF 2024**

**DISTRICT : DHARASHIV**

**Satish S/o Udhavrao Mundhe,** )  
Age : 34 years, Occu. Suspended as )  
Child Development Project Officer, )  
R/o Washi, Tq. Washi, District Dharashiv.)

.... **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
Through, The Principal Secretary, )  
Women and Child Development )  
Department, Maharashtra State, 3<sup>rd</sup> Floor,)  
New Mantralaya, Madam Kama Road, )  
Hutatma Rajguru Chowk, Mumbai-400032.)
2. **The Additional Secretary,** )  
Women and Child Development )  
Department Rural, Maharashtra State, )  
3<sup>rd</sup> Floor, New Mantralaya, Madam Kama Road,)  
Hutatma Rajguru Chowk, Mumbai-400032.)
3. **The Commissioner,** )  
Women and Child Development, )  
Maharashtra State, Pune. )

... **RESPONDENTS**

**APPEARANCE** : Shri A.V. Thombre, Counsel for Applicant.

: Smt. Resha Deshmukh, Presenting Officer for  
respondent authorities.

**CORAM** : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE** : **01.07.2024**

**ORDER**

1. Heard Shri A.V. Thombre, learned counsel appearing for the applicant and Smt. Resha Deshmukh, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of with the consent of both the sides at the admission stage.

3. By filing the present Original Application, the applicant is seeking quashing and setting the suspension order dated 14.06.2022 issued by respondent No. 2 and seeking directions to the respondents to reinstate the applicant in service.

4. Facts in brief as stated by the applicant giving rise to the Original Application are as follows :-

(i) The applicant is working as Child Development Project Officer Rural at Washi, Dist. Dharashiv. On 26.04.2022, crime No. 77/2022 came to be registered against the applicant for the offence punishable under Section 7 of the Prevention of Corruption Act and in connection with the said offence, the applicant came to be arrested and released on bail.

(ii) It is the further case of the applicant that on 14.06.2022, the applicant was suspended from the post of Child Development Project Officer Rural, Washi by respondent No. 2 w.e.f. 26.04.2022.

(iii) The applicant further contends that the respondent No. 2 has issued charge-sheet on 09.12.2022 and served upon the applicant on 07.02.2023 and Departmental Enquiry was initiated against the applicant.

(iv) It is the further case of the applicant that he has filed applications before the respondent authorities on 01.08.2022 and 27.04.2023, thereby requested therein to revoke the suspension order. However, the applicant is still under suspension. Hence, the present Original Application.

5. Learned counsel for the applicant submits that as per the law laid down by the Hon'ble Apex Court in a case of **Ajay Kumar Chaoudhary Vs. Union of India and Ors.**, the currency of a suspension order should not extend beyond three months, if within this period the memorandum of charges/ charge sheet is not served on the delinquent officer/employee and it is served, a reasoned order must be passed for the extension of suspension. Learned counsel submits that in the instant case, even though

the applicant came to be suspended w.e.f. 26.04.2022, charge sheet of the Departmental Enquiry came to be served on the applicant on 07.02.2023 i.e. after more than 09 months. Learned counsel submits that the respondent authorities have also ignored the specific directions given in the G.R. dated 09.07.2019 by referring the ratio laid down by the Hon'ble Apex Court in a case of **Ajay Kumar Chaoudhary Vs. Union of India and Ors..** Learned counsel submits that the present Original Application deserves to be allowed.

6. Learned Presenting Officer on the basis of affidavit in reply filed on behalf of respondent Nos. 1 to 3 submits that in view of taking disciplinary action against the applicant, the suspension order of the applicant 14.06.2022 came to be issued. The applicant was also arrested in connection with the Crime No. 77/2022 and therefore, the said order came to be passed against the applicant.

7. Learned Presenting Officer submits that vide Government order dated 26.10.2023 issued by the office of respondent Nos. 1 and 2, the Regional Departmental Enquiry Officer, Aurangabad Division came to be appointed as an Enquiry Officer and the District Programme Officer (Women and Child

Development), Zilla Parishad, Osmanabad has been appointed as Presenting Officer.

8. Learned Presenting Officer submits that in terms of G.Rs. dated 14.10.2011 and 31.01.2015, the proposal of reinstatement of the applicant cannot be submitted on completion of the period of one year of suspension. In respect of reinstatement in service, a proposal has been submitted by the office of respondent No. 3 vide letter dated 24.08.2023 to respondent No. 1. A request has also been made in the said letter to keep the said matter before the Suspension Review Committee, as the applicant is under suspension for more than one year. However, the office of respondent Nos. 1 and 2 being a competent authority has taken a meeting of Suspension Review Committee on 09.08.2023 without waiting for the proposal from the office of respondent No. 3. In the said meeting dated 09.08.2023, the committee has made the recommendation in respect of not to conclude the suspension of the applicant, as the applicant does not fulfill the terms and conditions of the G.R. dated 31.01.2015. The said recommendation has been approved by the Hon'ble Minister of the department. Learned P.O. submits that there is no substance in the present Original Application and the same is liable to be dismissed.

9. The Hon'ble Apex Court in a case of **Ajay Kumar Chaoudhary Vs. Union of India and Ors.**, reported in **AIR 2015 SC 2389** in para No. 14 has made the following observations :-

*“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. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”*

10. Further the Government of Maharashtra has also issued G.R. dated 09.07.2019 by giving reference to the law laid down by the Hon'ble Apex Court in a case of **Ajay Kumar Chaoudhary Vs. Union of India and Ors.** (cited supra) and further directed that in compliance of the above judgment, it has been

decided that where a Government servant is placed under suspension, the order of suspension should not extend beyond three months, if within this period the charge-sheet is not served to the charged officer. As such, it should be ensured that he charge sheet is issued before expiry of 90 days from the date of suspension. As the suspension will lapse in case this time line is not adhered to, a close watch needs to be kept at all levels to ensure that charge sheets are issued in time. It is also directed in the said G.R. that it should also be ensured that disciplinary proceedings are initiated as far as practicable in cases where an investigating agency is seized of the matter or criminal proceedings have been launched.

11. In the instant case, neither the respondent authorities have followed the mandate of the Hon'ble Apex Court in a case of **Ajay Kumar Chaoudhary Vs. Union of India and Ors.** (cited supra) nor adhere to the State Government directions in terms of G.R. dated 09.07.2019. Though the applicant came to be suspended by order dated 14.06.2022 (Annexure A-1) w.e.f. 26.04.2022, the Departmental Enquiry charge-sheet came to be served on the applicant on 07.02.2023 i.e. near about after expiry of 09 months. Further ignoring the mandate of the Hon'ble Apex Court, so also G.R. dated 09.07.2019, the

respondent authorities have proceeded in terms of G.Rs. dated 14.10.2011 and 31.01.2015 respectively. Further a reasoned order must be passed for extension of suspension as per the mandate of the Hon'ble Apex Court. But in the instant case, the suspension order was reviewed for the first time on 09.08.2023 i.e. after one year and four months. Even though at the time of reviewing the suspension order, the reference has been given to G.R. dated 31.01.2015.

12. On perusal of the said G.R. dated 31.01.2015, it appears that the condition prescribed in the said G.R. though fulfilled, no proper decision has been taken about the extension of suspension. The applicant remained under suspension for more than a year, when the said review has taken place. Further the respondent authorities in their affidavit in reply has not made it clear as to whether the sanction for prosecution in connection with the said Criminal Case has been issued by the department or not. Thus, considering the entire aspect of the case, continuation of impugned suspension order is improper, incorrect and illegal and the same is liable to be quashed and set aside. Hence, the following order :-



**ORDER**

- (i) The Original Application is hereby allowed.
- (ii) The impugned suspension order dated 14.06.2022 (Annexure A-1) issued by respondent No. 2 is hereby quashed and set aside.
- (iii) The respondents are hereby directed to reinstate the applicant in service on his original post forthwith.
- (iv) In the circumstances, there shall be no order as to costs.
- (v) The Original Application is accordingly disposed of.

**PLACE : Aurangabad.**  
**DATE : 01.02.2024**

**(Justice V.K. Jadhav)**  
**Member (J)**

**KPB S.B. O.A. No. 69 of 2024 VKJ Suspension**