

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

ORIGINAL APPLICATION NO. 829 OF 2023

DISTRICT : HINGOLI

Dr. Devidas Vamanrao Ade,)
Age : 65 years, Occu. : Retired Medical Officer,)
R/o Tejas Clinic, Mandir Road,)
Aundha Nagnath, District Hingoli.)

.... **APPLICANT**

V E R S U S

1. The State of Maharashtra,)
Through Principal Secretary,)
Public Health Department,)
G.T. Hospital Complex Building,)
10th Floor, B-Wing, Mumbai-400001.

2. The Commissioner for Health Services,)
Public Health Department, 10th Floor,)
Aarogya Bhavan, Saint Georges Hospital)
Compus, P.D.Mello Road, Mumbai-400001.)

... **RESPONDENTS**

APPEARANCE : Shri V.B. Wagh, Counsel for Applicant.

: Shri A.P. Basarkar, Presenting Officer for
respondent authorities.

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

DATE : 08.05.2024

O R A L - O R D E R

1. Heard Shri V.B. Wagh, learned counsel appearing for the applicant and Shri A.P. Basarkar, learned Presenting Officer appearing for respondent authorities.

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

3. Learned counsel for the applicant submits that the applicant is now pressing prayer clause 17(C) only, by which the he is seeking directions to the respondent authorities to regularize the suspension period w.e.f. 17.04.2015 to 05.10.2016 and further to fix the pay of the applicant and to take the decision forthwith.

4. On the basis affidavit in reply filing on behalf of respondent Nos. 1 and 2 today, learned Presenting Officer submits that the applicant came to be retired on 31.05.2018. The enquiry officer submitted enquiry report on 15.04.2020 and in terms of the said enquiry report, the respondent No. 1 has proposed punishment as detailed in the affidavit in reply. Meanwhile, the applicant came to be acquitted by learned Additional Sessions Judge, Hingoli vide order dated 12.09.2022 in connection with the Anti-Corruption case pending against him.

5. Learned Presenting Officer submits that the department is now considering the enquiry report dated

15.04.2020, in which the enquiry officer has concluded that the applicant is guilty of demanding bribe and accepting it and also acquittal dated 12.09.2022 passed by the learned Sessions Court, Hingoli. Learned Presenting Officer submits that in terms of the query made by the Maharashtra Public Service Commission, the General Administration Department seeking opinion from the Law and Judiciary Department. Consequently, the department needs some more time to thoroughly consider all the documents and other relevant documents to take final decision about the suspension period of the applicant whether it is to be regularized or not.

6. In view of above, the present Original Application is disposed of by directing the respondent authorities to take appropriate decision as expeditiously as possible and communicate the same to the applicant in writing. It is needless to say that in case any adverse order is passed, the applicant would be at liberty to file Original Application before this Tribunal afresh. There shall be no order as to costs.

PLACE : Aurangabad.
DATE : 08.05.2024

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