

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION 682 OF 2016**

DISTRICT : SINDHUDURG

Shri Surendra Ganpat Gawade,)
Working as Assistant Fisheries)
Development Officer, [now under)
Suspension], [Licensing Officer, Malwan],)
Dist-Sindhudurg, R/o: Vighnaharta)
Complex, Salaiwada,)
Tal : Sawantwadi, Dist-Sindhudurg.)...**Applicant**

Versus

1. The Commissioner of Fisheries,)
[M.S], having office at Taraporwala)
Acquarium, Netaji Subhash Road,)
Charni Road, Mumbai – 2.)
2. The State of Maharashtra,)
Through Principal Secretary,)
[Fisheries], Agriculture, Animal)
Husbandry, Dairy Development and)
Fisheries Department, Mantralaya,)
Mumbai 400 032.)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 06.10.2016

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. The Applicant was placed under suspension by order dated 25.2.2016 issued by the Commissioner of Fisheries, Respondent no. 1. Charge sheet was issued to the Applicant on 18.3.2016 regarding a D.E under Rule 8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Learned Advocate Shri Bandiwadekar stated that though more than six months have elapsed, the suspension of the Applicant has not been reviewed in terms of para 7(a) of the G.R dated 14.10.2011.

3. In the affidavit in reply filed by the Respondents also there is no mention that his case was placed before the Competent Authority to review his suspension order though the aforesaid provisions provides that in such cases review should be done after 3 months. The Applicant has given representation on 21.3.2016 and 4.4.2016.

4. Learned Presenting Officer stated that the case of the Applicant for reviewing his suspension will be taken up as early as possible.

5. It is seen that the Respondents have not followed their own G.R which provides for periodical review of suspension when a D.E is either contemplated or D.E actually being ordered against a Government servant. However, in this case, no such review has been taken so far though the Applicant has submitted two representations in this regard.

6. This Original Application is disposed of with a direction to the Respondents to place the case of the Applicant before the Competent Authority for review of his suspension order within a period of one month in terms of para 7(a) of the aforesaid G.R. The Applicant may be informed of the decision taken one week thereafter. No order as to costs.

**Sd/-
(Rajiv Agarwal)
Vice-Chairman**

**Place : Mumbai
Date : 06.10.2016
Dictation taken by : A.K. Nair.**