

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 581 of 2019 (S.B.)**

Ganesh S/o Sudama Hanumante,  
Aged about 51 years, Occupation : Service,  
R/o Nalanda Nagar, Chikhli Road, Washim,  
Tq. And District Washim-444 505.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Revenue and Forest Department, Mantralaya,  
Mumbai-32 through its Secretary.
- 2) The Divisional Commissioner,  
Aurangabad Division, Aurangabad.
- 3) The Divisional commissioner,  
Amravati Division, Amravati
- 4) The District Collector,  
The Collectorate, Nanded.
- 5) The District Collector,  
The Collectorate, Washim.
- 6) The Sub Divisional Officer,  
Bhokar, Post & Tahsil Bhokar, District Nanded.
- 7) The Sub Divisional Officer,  
Washim, Post, Tahsil & District Washim.

**Respondents.**

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**S/Shri N.W. Almelkar, R.M. Daruwala, Advs. for the applicant.**

**Shri A.P. Potnis, learned P.O. for respondents.**

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

**Dated :- 07/05/2024.**

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## **J U D G M E N T**

Heard Shri N.W. Almelkar, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

2. The applicant was working as a Talathi. The applicant was appointed on 16/03/2011. Before joining on the said post, the applicant was working in the Indian Army and he was retired on 31/12/2007. The applicant was posted at various places on the post of Talathi. The Tahsildar suspended him on various occasions by various orders.

3. It is submitted that the respondents have not conducted any departmental enquiry. The applicant was paid 50% subsistence allowance during the suspension period. Therefore, the applicant was / is entitled to get 50% balance salary. The respondents have not conducted any departmental enquiry. The respondents as per the order dated 14/12/2017 without holding any departmental enquiry withheld two increments of the applicant. It is illegal and therefore liable to be quashed and set aside. The applicant made representation for payment of balance salary amount, but the respondents have not paid any amount to the applicant. Hence, the applicant approached to this Tribunal by filing the present O.A.

4. The O.A. is strongly opposed by respondent nos. 5 and 7. It is submitted that the behaviour of the applicant was arrogant, he

was not following the directions of the Superior Authority. The applicant has committed misconduct and therefore the applicant was suspended from time to time. The applicant was paid subsistence allowance regularly. The suspension orders were revoked and the applicant was reinstated in the service.

5. During the course of submission, the learned counsel for the applicant submits that the applicant is on duty in respect of suspension order dated 24/06/2020. The suspension order is revoked and departmental enquiry is going on. The suspension order is revoked as per the order passed by this Tribunal. At last he submitted that the O.A. be allowed as prayed.

6. The learned P.O. has submitted that the behaviour of the applicant was arrogant, he was not following the directions of the Superior Officer. Therefore, the applicant was suspended from time to time. Lastly he was suspended as per the order dated 24/06/2020 and departmental enquiry is initiated against him. The departmental enquiry is going on. The learned P.O. has also submitted that the respondents have paid 50% subsistence allowance to the applicant and therefore the O.A. is liable to be dismissed.

7. There is no dispute that the applicant was suspended as per orders dated 19/11/2012, 10/05/2016, 11/05/2017, 12/09/2018 and 24/06/2020. There is no dispute that those suspension orders are

revoked. There is no dispute that in respect of all these orders there was no any departmental enquiry. Even though the respondents have punished the applicant in respect of suspension order dated 11/05/2017 by withholding of two increments.

8. There is no dispute that the departmental enquiry is pending in respect of the suspension order dated 24/06/2020 and the suspension is revoked by the respondents. The applicant is on duty.

9. The respondents without any inquiry withhold two increments of the applicant. There is no dispute that 50% salary was not paid to the applicant. Hence, the following order –

### **ORDER**

(i) The O.A. is allowed.

(ii) The respondents are directed to pay 50% salary towards subsistence allowance in respect of suspension period as per orders dated 19/11/2012, 10/05/2016, 11/05/2017, 12/09/2018 and 24/06/2020 to the applicant.

(iii) The punishment withholding two increments of the applicant is hereby quashed and set aside.

(iv) The respondents are directed to complete the departmental enquiry in respect of the suspension order dated 24/06/2020

expeditiously within a period of six months from the date of receipt of this order.

(v) No order as to costs.

**Dated** :- 07/05/2024.

**(Justice M.G. Giratkar)**  
**Vice 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 Vice Chairman.

Judgment signed on : 07/05/2024.\*