

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 249 of 2024 (S.B.)**

Gita Bhaskar Shejwal,
aged 41 years, Occ. Service (at present under suspension),
R/o Mangoliya Apartment, Gulmohar Road, Ahmednagar,
Dist. Ahmednagar.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Additional Chief Secretary,
Home (Transport) Department, Mantralaya, Mumbai-32.
- 2) The Commissioner of Transport,
having its office at Telecom Bhavan, 5th Floor,
Mahanagar Telecom Nigam Building-2,
Fort, Mumbai-400001.

Respondents.

Shri S.P. Palshikar, Advocate for the applicant.

Shri M.I. Khan, learned P.O. for respondents.

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

Dated :- 18/07/2024.

J U D G M E N T

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. The reply is not filed. The learned P.O. has filed letter dated 12/07/2024 along with Minutes of meeting of Review Committee dated 31/05/2024. It is taken on record and marked Exh-X for identification.

3. The matter is admitted, heard and decided finally.

4. The applicant was working as a Motor Vehicle Inspector. The applicant is suspended as per order dated 15/02/2024. The respondents have not issued any charge sheet. Hence, the applicant prayed to revoke the suspension order and reinstate her.

5. The learned counsel for applicant 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*** decided on 16/02/2015. The guidelines are given by the Hon'ble Supreme Court to revoke the suspension after 90 days, if the charge sheet is not filed within 90 days. After the judgment of Hon'ble Supreme Court, the Government of Maharashtra has also issued the G.R. dated 09/07/2019. The guidelines are given in the G.R. After the G.R. also the respondents are not following the guidelines.

6. As per the contention of learned P.O., the case of applicant was kept before the Review Committee. The Review Committee has stated the reason for extension of suspension period. From the perusal of the decision of Review Committee, it appears that till date no any charge sheet is served to the applicant for departmental inquiry. It is stated that serious charges are against the applicant. It is stated in the minutes of the meeting that offences are

serious against the applicant and therefore suspension cannot be revoked.

7. The offence punishable under Sections 307,201 of IPC r/w Section 25 of the Arms Act is registered against the applicant. It is dispute between co-employee.

8. As per the guidelines given by the Hon'ble Supreme Court in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another*** (cited supra), if the charge sheet is not served to the delinquent employee within 90 days from the date of suspension order, then suspension is to be revoked. The applicant was suspended as per the order dated 15/02/2024. Till today no any charge sheet is served to the applicant for departmental inquiry. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The suspension order dated 15/02/2024 is hereby revoked.

(iii) The respondents are directed to reinstate the applicant within a period of 30 days from the date of receipt of this order.

(iv) No order as to costs.

Dated :- 18/07/2024.

(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 : 18/07/2024.