

Thank you

[Spl/MAT/F-5/E]

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/1523/2017  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date : 11 2 APR 2017

**ORIGINAL APPLICATION NO. 273 OF 2017.  
(Sub :- Suspension)**

- 1 Dr. Ramchandra N. Kale,  
R/at. 7, Manjula Apt., Shivaji Nagar, Jail Road, Nashik Road,  
Nashik-4220101.

**....APPLICANT/S.**

**VERSUS**

- 1 The State of Maharashtra, Through The Secretary, The Public Health Dept., Mantralaya, Mumbai-32.
- 2 The Director, Health Services, M.S., Aarogya Bhavan, St. Georges Hospital Compound, P.D'Mello Rd., Mumbai-01.
- 3 The Joint Director Health Services, Pune, 1<sup>st</sup> Floor, Central Bldg., Pune-01.

**...RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 07<sup>th</sup> day of April, 2017 has made the following order:-*

APPEARANCE : Ms. S.P. Manchekar, Advocate for the Applicant.  
Mrs. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **07.04.2017.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Research Officer*  
11/4/2017

**Research Officer,  
Maharashtra Administrative Tribunal,  
Mumbai.**

Office Notes, Office Memoranda of Coram,  
Appearance, Tribunal's orders or  
directions and Registrar's orders

Tribunal's orders

O.A.273/2017

Dr. R.N. Kale

... Applicant

Vs.

The State of Mah. & ors.

... Respondents

Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

This OA can be disposed of at this stage itself.

The OA challenges the continued suspension of the Applicant who was at that time Medical Officer attached to Central Jail, Nashik. A very detailed statement of facts may not be necessary. It would suffice to mention that a Prisoner of the Nashik Central Jail appears to have died in suspicious circumstances on 24.11.2002. When he was counting his last moment, it is said that the Applicant examined him and directed that he be taken to a Hospital where the said Prisoner could be treated. At the end of the day, along with 16 others, the Applicant came to be put to trial. It appears that when the matter appears before the Review Committee to take a review upon the continued suspension of the Applicant, the said Committee takes note of the fact that the Applicant is an accused under Section 302 of the Indian Penal Code (IPC) allegedly for having committed murder of the said deceased. I, however, find from the copy of the charge furnished for my perusal by the learned Advocate for the Applicant Ms. Manchekar that, by the charge framed on 12.1.2011, the Sessions Judge, Nashik has framed charge and I am very clearly of the opinion that in deciding the issue of Applicant's continued suspension and in that behalf, taking note of the magnitude of the offence, the concerned authorities of the Review Committee should go by the charge and not by the FIR and then take an appropriate decision with regard to the Applicant's suspension. I am informed at the Bar that a few co-accused of the Applicant from Prison Department have already been reinstated on 08.09.2005. That fact may also be borne in mind. I am informed that the Applicant is under suspension from 7.6.2003. This OA is, therefore, disposed of with a direction that the concerned Review Committee shall meet as early as possible and deal with this matter in the manner hereinabove indicated and communicate the decision to the Applicant within one week thereafter. No order as to the costs.

DATE: 7/4/17

CORAM:

Hon'ble Smt. RAJIV AGARWAL

(Vice Chairman)

Hon'ble Smt. R. B. MALIK (Member)

APPEARANCE:

Advocate for the Applicant

Advocate for the Applicant

Advocate for the Applicant

C.P.O./P.O. for the Respondents

Adj. To

O.A. is disposed

TRUE COPY

(skw)

Asstt. Registrar/Research Officer  
Maharashtra Administrative Tribunal  
Mumbai

(R.B. Malik)

Member (J)

07.04.2017

07.04.17