

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.1043/2025 (S.B.)

Arti D/o Deepakrao Gaikwad,
Aged about 35 Years, Occu. : Service,
R/o. Vardhaman Vishwa Bhag-1,
Near Tuljabhavani Mandir,
Plot No.52, Borgaon Meghe, Wardha,
Tah. & Dist. Wardha.

Applicant.

Versus

1. State of Maharashtra,
Department of Prisons and
Correctional Services, (Home Department),
Through its Secretary,
Mantralaya, Mumbai-32.
2. Additional Director General of Police,
Department of Prisons and
Correctional Services,
Central Building Pune.
3. The Deputy Inspector General,
Eastern Zone, Nagpur,
Tah. & Dist. Nagpur.
4. The Deputy Inspector General,
Southern Zone, Byculla, Mumbai.

5. The Superintendent,
Wardha District Prison,
Wardha, Tah. & Dist. Wardha.

Respondents.

Shri A.J.Salway, Ld. Counsel for the applicant.
Smt.S.R.Khobragade, Ld. P.O. for respondents.

Coram:- Hon'ble Shri Justice Vinay Joshi, Vice Chairman
Dated:- 23rd February, 2026.

JUDGMENT

Heard finally with the consent of both learned counsel.

2. The applicant is placed under suspension vide order dated 28.08.2025, ensuing departmental action on the charge of alleged misconduct. The applicant has challenged the order of suspension by contending that, during the period of 90 days from the date of suspension, departmental action has not been initiated as charge sheet has not been served. It is contended that the applicant was suspended on mere allegation that, in some private What's-App group of employees, the applicant has endorsed some objectional messages. On the basis of complaint made by the aggrieved person, a crime was registered, which led to the passing of the suspension order. The aforesaid facts are not in dispute.

3. The respondents would submit that having regard to the serious allegation, the applicant was placed under suspension. Secondly, in the criminal case, charge sheet has already been filed. The learned P.O. would submit that, though charge memo has not been served within 90 days, however, review was taken on 05.12.2025 taking decision to extend the period of suspension.

4. The allegation against the applicant is of endorsing some objectionable messages on What's-App group. Though the applicant was placed under suspension on 28.08.2025 in contemplation of departmental action, however, till date departmental enquiry has not been initiated. True, the applicant has not appealed against the order of suspension. However, the period of more than four months has been lapsed from the passing of impugned order, hence, the Tribunal can entertain in peculiarity of facts. Order of review does not disclose any specific reason for extension, but only says that a crime is pending against applicant. However, the review report does not specify the need to keep the Government employee out of job for indefinite period. Moreover, the applicant has also objected the constitution of the Review Committee by stating that it is not in consonance with G.R. dated 22.04.2025. In view of law laid down by the Hon'ble Supreme Court in case of ***Ajay Kumar Choudhary v.***

Union of India, (2015) 7 SCC 291, the currency of suspension shall not continue after 90 days if departmental proceeding has not been initiated. Having regard to the position of law and the factual allegations, the order of suspension needs to be revoked.

5. In view of above, **the Original Application is allowed. The impugned order of suspension stands revoked.** Consequential steps shall be taken within two weeks from today. No order as to costs.

(Justice Vinay Joshi)
Vice Chairman

Dated – 23/02/2026
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.
Court Name : Court of Hon'ble Vice Chairman
Judgment signed on : 23/02/2026.
and pronounced on*