

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO. 469/2025 (S.B.)

Babasaheb Madhukarrao Deshmukh,
aged 53 years, occ. Working as Regional
Deputy commissioner, Social Welfare,
Nagpur Division, Nagpur (under suspension)
r/o 301, Rachna Madhuban, Faras Sq.,
Mankapur, Koradi Road, Nagpur.

....Applicant

Versus

1) State of Maharashtra, through
its Principal Secretary, Social Justice
and Special Assistance Department,
Govt. of Maharashtra, Hutatma Rajguru Sq.
Madam Kama Road, Mantralaya,
Mumbai 400 032.

2) The Commissioner, Social Welfare,
Social Welfare Commissionerate,
Maharashtra State, 3, Church Gate,
Pune 411 001.

...Respondents

Shri A.M. Sudame, Advocate for the Applicant.

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

Coram :- Hon'ble Shri Justice Vinay Joshi, Vice Chairman

Dated :- 19/12/2025

JUDGMENT

Heard finally with the consent of both learned counsel.

2. The applicant has challenged the order of suspension dated 05.05.2025 issued by respondent No. 1, Principal Secretary, Department of Social Welfare, in contemplation of a departmental enquiry. The order of suspension has been challenged both on merits and on technical grounds.

3. The facts in brief are that the applicant entered into Government Service as an Assistant Commissioner in the Social Welfare Department. Upon completion of probation, he was promoted to the post of Regional Deputy Commissioner, Social Welfare, and posted at Nagpur. He was placed under suspension under Rule 4(1) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, and his charge was handed over to one Mr. Gaikwad, Deputy Commissioner. The suspension order stated that while the applicant was posted at Nagpur, he had supplied agricultural equipments to self-help group who were deceived, and therefore enquiry was proposed. The applicant submitted a

representation to the Government against the suspension, but it was not considered.

4. It is applicant's case that, he had submitted a proposal to the Collector, and after sanction, the amount was deposited directly into the accounts of the beneficiaries. Evidence is available in the form of a spot panchnama and photographs about delivery of goods to the self-help group under the Direct Benefit Transfer (DBT) Scheme. After deposit of 10% of the amount, the matter was processed and 90% subsidy was deposited directly into the bank accounts of two Bachat Gats. The applicant contends that equipment's were proceeded directly from the manufacturer and the purchases were made by the Bachat Gats. The applicant has made certain allegations against the Assistant Commissioner, asserting that the action against him is revengeful and actuated by malafides. He submits that the inquiry report does not disclose any substance in the allegations. The applicant further submits that he has been victimized merely because a Member of Parliament made a complaint on the Prime Minister's Portal.

5. The State resisted the application by filing a reply affidavit. It was contended that the application is not maintainable

in view of the availability of an alternate remedy of appeal. It is further contended that while the applicant was working as Assistant Commissioner at Nagpur, he proposed disbursement of grants for purchase of agricultural equipment for self-help groups under the Prime Minister's Mine and Mineral Welfare Scheme. Though the amount was deposited in the beneficiaries' bank accounts, it was allegedly withdrawn by the Agency. A preliminary enquiry was conducted in which substance was found in the allegations made by the Bachat Gats. It is alleged that the applicant was involved in embezzlement of government funds and may misuse his position and put hindrance into the departmental enquiry.

6. The learned counsel for the applicant relied on the Government Resolutions to contend that the grants were disbursed strictly in accordance with the scheme and guidelines. The subsidy amount was deposited directly into the beneficiaries' bank accounts. The inquiry report does not indicate any embezzlement of government funds. The applicant submits that after lapse of two years, and only at the behest of a political complaints, he has been victimized.

7. The learned counsel for the applicant further submits that although the impugned suspension order was passed on 05.05.2025, no charge-sheet was issued within three months. Heavy reliance is placed on the decision of the Hon'ble Supreme Court in *Ajay Kumar Choudhary vs. Union of India & Anr.*, (2015) 7 SCC 291, wherein it was held that the currency of a suspension order should not extend beyond three months if the charge-sheet is not served within said period. Reliance is placed on paragraph 21 of the said decision which reads as below: -

21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of Charges/charge-sheet is not served on the delinquent officer/employee, if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognised principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration.

However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

The applicant has also relied on the decision of the Hon'ble Supreme Court in case of ***State of Tamil Nadu Vs. Promod Kumar, IPS & Anr., (2018) 17 SCC 677***, wherein the Hon'ble Supreme Court reiterated the law laid down in case of ***Ajay Kumar Choudhary vs. Union of India & Anr., (2015) 7 SCC 291***,. It was held that an unjustified suspension order is violative of law. The applicant has also relied on the Government Resolution dated 09.07.2019 issued by the GAD, wherein, the State, after considering the Hon'ble Supreme Court's judgment in case of ***Ajay Kumar Choudhary vs. Union of India & Anr., (2015) 7 SCC 291***, issued the guidelines which is reproduced below: -

शासन निर्णय -

१. या अनुषंगाने शासकीय कर्मचाऱ्याच्या निलंबनाचा आढावा घेण्यासंदर्भात पुढीलप्रमाणे सूचना देण्यात येत आहेत.

i) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन

केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेऊन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) सक्षम प्राधिकाऱ्याच्या स्तरावर घेण्यात यावा

ii) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा. सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करून दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसांच्या आत काटेकोरपणे केली जाईल याची दक्षता/खबरदारी घेण्यात यावी.

iii) फौजदारी प्रकरणात विशेषतः लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करून दोषारोप पत्र बजावणेबाबत आवश्यक तो अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधीत प्रशासकीय विभागास उपलब्ध करून देणे आवश्यक राहिल.

8. Moreover, the applicant has further relied on the decision of the Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad, in case of ***Kakasheb s/o Sidheshwar Doiphode Vs. State of Maharashtra*** (O.A. No. 819/2024), decided on 14.02.2025, wherein a suspension order was turned down by applying the ratio of the case of ***Ajay Kumar Choudhary vs. Union of India & Anr.***, (2015) 7 SCC 291.

9. The learned P.O. raised an initial objection regarding the availability of an alternate remedy. Section 20(1) of the Maharashtra Tribunals Act 1985, does not impose an absolute embargo on the Tribunal entertaining an application where an

alternate remedy is available. It only states that the Tribunal shall not ordinarily entertain an application unless satisfied that the alternate remedy is inadequate. This itself indicates that in appropriate cases, the Tribunal may entertain an application directly. In the present case, the challenge is based on technical grounds arising from the Hon'ble Supreme Court's decisions. Though the applicant took us through the allegations and the preliminary enquiry report, he has already challenged the enquiry separately by filing another original application. Therefore, it is not appropriate to make detailed comments on the merits of the enquiry. However, it is evident that action was taken after two years, upon a complaint by a Member of Parliament. The amount was stated to be deposited directly into the beneficiaries' Bank accounts. Though the suspension order was passed on 05.05.2025, the charge-sheet was issued only on 14.10.2025, i.e., after more than 90 days. In case of *Ajay Kumar Choudhary vs. Union of India & Anr.*, (2015) 7 SCC 291, the Hon'ble Supreme Court held that if a charge-sheet is not served within three months, the suspension cannot be continued. In the present case, neither the charge-sheet was served within 90 days nor review was taken

to justify continuation of the suspension. In the circumstances, by applying the law laid down in case of *Ajay Kumar Choudhary*, the suspension order would not sustain in the eyes of law.

10. In view of the above, the original application is allowed. The impugned suspension order dated 05.05.2025 is quashed and set aside. The respondents shall take consequential action within four weeks from today. No order as to costs.

kds.

Vice Chairman

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

Name of Steno : Krushna Dilip Singadkar

Court Name : Court of Hon'ble Vice Chairman

Judgment signed on : 19 /12/2025