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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 959 OF 2016

R. S. Chalke

.. Petitioner

Vs.

Board of Trustees of Port of Mumbai & Anr. .. Respondents

Mr. Jaiprakash Sawant for the Petitioner.

Mr. Vishal Talsania i/b Motiwalla & Co. for the Respondents.

**CORAM : R. M. SAVANT &
K. K. SONAWANE, JJ.**

DATE : 6th SEPTEMBER, 2018.

P. C.

1. The above Writ Petition has been filed challenging the orders dated 26.06.2015, 07.10.2015 and 07.01.2016 by which orders the suspension of the Petitioner pending enquiry has been extended from time to time. The challenge to the said orders is on the ground that in terms of Regulation 7 of the Service Regulations applicable to the employees of the Mumbai Port Trust, a review of the suspension of an employee has to be carried out within 90 days of such suspension and the Review is either to revoke the suspension or to extend the period of the suspension. Insofar as the Petitioner is concerned, by order dated 07.10.2015 passed by the Financial Advisor and Chief Accounts Officer of the Mumbai Port Trust, it is communicated to the Petitioner that the Chairman of the Mumbai Port Trust by an order dated 18.09.2015 accepted the

recommendation of the Review Committee and resultantly the suspension of the Petitioner was extended for a further period of 90 days from 24.09.2015 i.e. the date from which the Petitioner was suspended.

2. Having regard to the said fact which is mentioned in the said order dated 07.10.2015, there is a compliance of the said Regulation 7 in the matter of review of the suspension of the Petitioner within 90 days of the suspension. By the subsequent order the period of suspension was extended by a further period of 90 days. It is required to be noted that a departmental enquiry is on going against the Petitioner since the last about two years. The suspension of the Petitioner has also been revoked by an order dated 27.05.2016. Hence, the Petitioner is now reinstated in service subject to the departmental proceeding against him. It is mentioned in the last order that at the time of passing of the final order in the departmental enquiry, it would be determined as to how the period of suspension would be treated by the Mumbai Port Trust.

3. In our view, therefore, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is, accordingly, dismissed.

[K. K. SONAWANE, J.]

[R. M. SAVANT, J.]

Arjun
Machhindra
Kadam

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