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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION***

WRIT PETITION NO. 3404 OF 2015

Jagannath Masaji Bansode

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

None for the Petitioner

Mr. R.S. Pawar, AGP for the Respondents 1

Mr. I.M. Khairdi for Respondent No. 2 and 3

***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 5 FEBRUARY 2020.

P.C. :-

By this Petition the Petitioner has challenged the order placing him under suspension issued by Respondent Nos. 2 and 3 dated 11 July 2013. The Respondents have placed the Petitioner under suspension in view of the criminal case initiated on a FIR dated 23 August 2013 invoking Section 409 and 34 of the Indian Penal Code. The Petitioner in the year 2014 had made representation to revoke the suspension, however no decision thereupon has been taken.

2. None appears for the Petitioner when the Petition is called out. It is now almost six and half years that the Petitioner is under suspension. The Respondents have not filed their reply. The present stage of the proceedings is not on record. We note that the Respondents in the suspension order have referred to Rule 4(1)(c) of the Maharashtra Civil Services (Discipline and Appeal) Rules 1979. By passage of time as above, it is necessary that the Respondents take a review of the said decision of placing the Petitioner under suspension as cogent reason may not survive for continuation of the suspension. Therefore, it would be appropriate that the representations made by the Petitioner are decided by the Respondents in respect of revocation of his suspension.

3. We dispose of this Writ Petition directing the Respondent Nos. 2 and 3 to take a decision on the representations made by the Petitioners within a period of eight weeks from today. We clarify that the decision will be taken as per law.

M.S. KARNIK, J.

NITIN JAMDAR, J.