

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

WRIT PETITION NO.14517 OF 2022

Kalyan Uttam Patil

... Petitioner

vs.

City and Industrial Development Corporation ... Respondent
of Maharashtra Ltd.

Mr.N. V. Bandiwadekar i/b. Sou Ashwini N. Bandiwadekar for
the Petitioner.

Mr. G. S. Hegde a/w Ms. P.M. Bhansali for the Respondent -
CIDCO.

**CORAM : S.V. GANGAPURWALA, ACJ. &
S. G. CHAPALGAONKAR, J.**

DATED : 14 DECEMBER, 2022

P.C. :-

1. The petitioner is challenging his suspension.

2. Learned counsel for the petitioner submits that the petitioner is suspended on or about 27th January, 2022 with effect from 28th January, 2022. Learned counsel for the petitioner relies on the Judgment of Apex Court in the case of *Ajay Kumar Choudhary vs. Union of India & anr*¹ and submits that after expiry of period of 90 days from the date of suspension, the respondents cannot continue the petitioner's suspension.

3. Mr. Hegde, learned counsel appearing for the respondent-

CIDCO relies on Government Resolution (GR) dated 14th October, 2011 and submits that as per the aforesaid GR, in case where the Criminal Cases are filed against the employee/accused for the economic offence of disproportionate assets, moral turpitude, bribery, murder, rape etc, the suspension case has to be taken before the Review Committee after one year from the date of suspension for consideration.

4. Learned counsel for the petitioner places reliance on Government Resolution dated 9th July, 2019 to contend that the Government has to consider the Judgment in the case of ***Ajay Kumar Choudhary (supra)***, in which the Supreme Court has observed that after 3 months, suspension to be reviewed and if no chargesheet could be served within 3 months then suspension should be withdrawn.

5. We have considered the submissions.

6. The petitioner is suspended since 28th January, 2022. It is contended that the offence is registered against the petitioner under Section 7 of the Prevention of Corruption Act, 1988. The suspension order further states that disciplinary enquiry is also sought to be initiated. The chargesheet is already served in the departmental enquiry to the petitioner.

7. In the light of the above, we direct the respondents to

take review of the suspension order of the petitioner within four weeks from today and communicate the order passed by the authorities to the petitioner.

8. The petitioner may take further steps.

9. In view of the above, Writ Petition is disposed of. No costs.

(S. G. CHAPALGAONKAR, J.) (S.V. GANGAPURWALA, ACJ.)