



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**907 CIVIL APPLICATION NO.11799 OF 2023  
IN WP/2648/2023**

**PRASHANT BHAGWANSINGH KACHHAWA  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANO**

...  
Advocate for Applicant : Mr. Kiran Salunkhe h/f. Salunke Vasant Digambarrao  
AGP for Respondents/State : Mr. P.K. Lakhotiya  
...

**CORAM : RAVINDRA V. GHUGE &  
Y.G. KHOBRAGADE, JJ.  
DATE : 8<sup>th</sup> December, 2023**

**PC. :-**

1. We have heard the learned advocates for the respective sides. The Petitioner submits that he is prepared to face the enquiry and he does not desire to question the charge-sheet at this stage. Now that he has received the charge-sheet, he would submit his reply and thereafter the enquiry can be commenced. He prays that the enquiry should be completed within a specific timeline. Further, he hastens to add that he is aggrieved by the suspension order dated 10.01.2023 which has not been reviewed after a period of 120 days. The suspension is continued and the learned Maharashtra Administrative Tribunal did not consider the challenge to the said suspension.

2. Our attention is drawn to paragraph 10 of the order of the learned Tribunal dated 09.02.2023. The Tribunal has observed as under:

*“In the present matter, however, the respondents have not yet served upon the applicant the statement of charge or exact charges leveled against the applicant. As I have noted hereinabove in the order of suspension everything may not be incorporated. What is indicated in the said order is the intention of the respondents to initiate a disciplinary action against the applicant and certain misconducts are mentioned by way of illustration. The word used ‘etc.’ after mentioning 3 incidents that there may be other charges also and as I noted hereinabove everything is not to be incorporated in the order of suspension. Presently there is nothing before the Tribunal as to which would be the exact charges against the applicant and what material is likely to be produced in support of that. In the circumstances, only on surmises it would be unjust and improper to accept the prayer made by the applicant at this stage.”*

3. We find that the learned Tribunal has referred to Rule 4 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. The learned Tribunal has not dealt with the challenge to the suspension.

4. In view of the above, **this petition is partly allowed** only for considering the challenge to the continuation of the suspension purportedly in violation of Rule 4. The Original Application No.44/2023 stands remitted to the learned Tribunal.

5. **Pending Civil Application would not survive and stands disposed off.**

6. We request the learned Tribunal to consider this case expeditiously.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]