



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

903 WRIT PETITION NO. 8923 OF 2024

KIRAN SURESH KESAPURE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND ANOTHER

...

Mr. Jiwan J. Patil Advocate for Petitioner.

Mr. A.R. Kale, A.G.P. for Resp. No.1.

Mr. A.G. Vasmatkar Advocate for Resp. No.2.

...

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 1st OCTOBER, 2025

ORDER :

1. Heard learned Advocate for the petitioner, learned AGP and learned Advocate for respondent No.2.

2. The petitioner is serving as Deputy Engineer on the establishment of Maharashtra Jeevan Pradhikaran. First Information Report bearing Crime No.50 of 2024 came to be registered against the petitioner and others, under Section 7, 7A and 12 of the Prevention of Corruption Act. The petitioner was granted anticipatory bail by the learned Special Judge under the

Prevention of Corruption Act by order dated 20th March 2024. Thereafter respondent No.2 had received the report dated 4th April 2024 from Deputy Superintendent of Anti Corruption Bureau, Amravati Region in respect of the First Information REport against the petitioner and others and thereafter the respondent No.2 by order dated 7th August 2024 suspended the petitioner by exercising powers under Rule 4(1), and 4(2)(a) of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. The said order has been challenged by the petitioner in this petition. This Court vide order dated 21st August 2024, while issuing notice had made certain observations stating that the suspension order cannot be given effect retrospectively and therefore respondent No.2 issued corrigendum on 20th September 2024 stating that the suspension should be treated from 7th August 2024 and not from 5th March 2024.

3. Learned Advocate for the petitioner submits that there was no charge-sheet under the departmental inquiry filed till recently and therefore, the suspension could not have been more than 90 days in view of the decision of the Hon'ble Supreme Court in *Ajaykumar Choudhary vs. Union of India, through its Secretary and another, (2015) 7 SCC 291* and the subsequent Government

Resolution dated 9th July 2019, especially Para 1(ii) of the said Resolution. However, still the said suspension has not been revoked.

4. Learned Advocate for respondent No.2 submitted that the case of the petitioner has been placed before the review committee. Thereafter, after taking instructions, he makes a statement that the suspension order of the petitioner would be revoked within three weeks from today and he would be reinstated in view of the Government Resolution dated 9th July 2019, which was giving effect to the decision in *Ajaykumar Choudhary vs. Union of India, through its Secretary and another*, (supra).

5. The said statement has been taken as an undertaking and the Writ Petition stands disposed of in view of the said undertaking.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE