MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.307/2026 (S.B.)

Popeshwar S/o Dhaduji Wankar,
Aged 57 years, Occ. Service,
R/o Yelchil, Tq. Aheri,
Dist. Gadchiroli.

Applicant.

Versus

1. The State of Maharashtra,
Through its Additional Chief Secretary,
Home Department,
Mantralaya, Mumbai-32.

2. The Superintendent of Police,
Gadchiroli, Having its Office at
Police Complex, Gadchiroli,
Dist. Gadchiroli - 442605.

Respondents.

Shri S.P.Palshikar, Ld. Counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for respondents.

Coram:- Hon'ble Shri Justice Vinay Joshi, Vice Chairman
Dated: - 11th August, 2026.

JUDGMENT

Heard finally, with the consent of both learned counsels.

2. The applicant is challenging the impugned order dated 07.04.2025, whereby the suspension period from 08.09.2001 to 09.01.2003 has not been treated for the pensionary benefits. The applicant has urged that he is not claiming salary or any other benefits, but it shall be counted for pensionary benefits, as ultimately departmental action was quashed by this Court. The respondents resisted by submitting that in terms of Rule 72(7) of the Maharashtra Civil Services (Joining time, Foreign Service and Payments During Suspension, Dismissal and Removal) Rules, 1981, it is the discretion of the Competent Authority to decide whether the suspension period shall be treated “as such” or as “duty period”.

3. The applicant has earlier challenged the initiation of departmental enquiry in O.A.No.564/2006. This Tribunal vide order dated 17.08.2015 has quashed the departmental enquiry and also observed that the applicant is not entitled to salary / allowances for the period during which he was under suspension. The Tribunal though passed such specific orders it has not stated that the aforesaid

period shall not be counted for pensionary benefits. Already, the departmental enquiry is quashed and in said background there is no justification for not calculating the suspension period for pensionary benefits. In the circumstances, impugned order is unsustainable in law. Hence, the following order.

ORDER

1. The Original Application is allowed.

2. The impugned order dated 07.04.2025 is hereby quashed and set aside. The suspension period from 08.09.2001 to 09.01.2003 shall be treated for grant of pensionary benefits only.

3. No order as to costs.

(Justice Vinay Joshi)
Vice Chairman

Dated – 11/08/2026
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno	:	Raksha Shashikant Mankawde.
Court Name	:	Court of Hon'ble Vice Chairman.
Judgment signed on and pronounced on*	:	11/08/2026.