

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

M.A.No.189 of 2020 in O.A.No.1007 of 2018

1. The Chief Conservator of Forest (T), Thane)
Thane Forest Circle, Thane and having office at)
Micro Wave Tower, Bara Bungalow Area, Kopari,)
Thane.)
 2. The Deputy Conservator of Forest,)
Jawhar Forest Division, Jawhar, having office at)
Opp. Rajiv Gandhi Stadium, Jawhar, Dist Palghar.)
 3. The Assistant Conservator of Forests,)
(Afforestation and Wildlife) Wada Tal. Wada, Dist.Palghar.)
 4. The State of Maharashtra,)
Through Additional Chief Secretary,)
Forest Department, Mantralaya, Mumbai 400 032.)
 5. The Additional Principal Chief Conservator of Forest)
(Administration and Subordinate Services), M.S. Nagpur,)
Van Bhawan, Civil Lines, Nagpur 1)
- ...Applicant (Org. Respd.)**
- Versus**
- Shri Himmat Vasant Sapale,)
Age : 33 years, Range Forest Officers Pimpalner,)
Tal : Sakri, Dist. Dhule.)
- ...Respondents (Org. Appli.)**

Shri A.J. Chougule, learned Presenting Officer for the Applicant (Org. Respondent).

Shri Arvind V. Bandiwadekar, learned Advocate for the Respondents (Org. Applicant).

CORAM : SHRI A.P. KURHEKAR, MEMBER(J)

DATED : 18.08.2020.

J U D G M E N T

1. Heard Shri A.J. Chougule, learned Presenting Officer for the Applicant (Org. Respondent) and Shri Arvind V. Bandiwadekar, learned Advocate for the Respondents (Org. Applicant).

2. The present M.A. is filed on 28.07.2020 for extension of time for compliance of clause (D) of order dated 16.12.2019 passed in O.A.No.1007/2018, whereby directions were given for completion of enquiry within three months and for passing final order within a month thereafter. The period given by this Tribunal in O.A.No.1007/2018 expired on 16.04.2020. However, till that date no final order was passed in D.E. in terms of order passed by this Tribunal. This M.A. was filed belatedly only on 28.07.2020 with the prayer for extension of time of six months from the date of order.

3. Learned C.P.O. submits that due to COVID-19 pandemic situation and lockdown staff was not available and therefore final order is not passed. She submits that enquiry report was received and Department has issued show cause notice by letter dated 02.03.2020. She submits that the Government will pass final order and it needs to be referred to MPSC. She therefore, seeks extension of time for compliance of direction given by this Tribunal.

4. Par contra, learned Advocate for the Applicant submits that the Department has not taken sincere steps in terms of directions given by this Tribunal and M.A. itself has become infructuous as time sought in prayer is already expired, but no final order is passed by the Government.

5. Indeed the application for extension of time ought to have been filed before expiry of the time given by this Tribunal. However, the application for extension has been filed belatedly on 28.07.2020.

6. Enquiry Officer has submitted report on 26.02.2020 and Department by letter dated 02.03.2020 called the explanation / representation of the applicant on the said report. However, thereafter, there is no material progress in the matter except exchanges of correspondence between Government and Chief Conservator of Forest (Thane). Indeed once the enquiry officer has submitted report the Government/ Disciplinary authority ought to have taken further steps in right earnest for passing Final order in accordance to law. It appears due to COVID-19 pandemic situation and lockdown further steps were not taken which ought to have been taken, in terms of order of Tribunal.

7. In view of the above, in fact, M.A. itself has become infructuous in view of expiry of period of extension sought in M.A. However, in the interest of justice and considering COVID-19 pandemic situation and subsequent lockdown, I am inclined to grant one month time from today for passing final order.

8. For the aforesaid reasons, one month time is granted for passing final order in the matter in accordance to law. M.A. is accordingly disposed of with no order as to costs.

Sd/-
(A.P. Kurhekar)
Member(J)

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