

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 1122 OF 2018**

**DISTRICT : PUNE**

Shri Ramesh Nilu Chavan )  
Occ : Nil, dismissed from the post of Forester )  
R/at : Akash Niwas, Omkar Colony, )  
Survey No. 37/2, Kalepadal, Hadapsar, )  
Pune 411 028. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through the Secretary, )  
Revenue & Forest Department, )  
Mantralaya, Mumbai 400 032. )
2. The Principal Chief Conservator of )  
Forest, Forest Force Head, )  
Van Bhavan, Ramgiri Road, )  
Civil Line, Nagpur. )
3. The Chief Conservator of Forest, )  
[Territory], Van Bhavan, )  
Near Sheep Farm )  
Gokhale Nagar, Pune-16. )...**Respondents**

Shri K.R Jagdale, learned advocate for the Applicant.

Ms Archana B.K, learned Presenting Officer for the Respondents.

**CORAM** : **Shri Justice A.H Joshi (Chairman)**  
**Shri P.N Dixit (Member) (A)**

**DATE** : **22.01.2019**

**PER** : **Shri Justice A.H Joshi (Chairman)**

**J U D G M E N T**

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.

2. The applicant has approached this Tribunal challenging the order passed by the Additional Chief Conservator of Forest, (Administration-Subordinate Services), Maharashtra State, Nagpur, Respondent no. 2.

3. The Respondent no. 2, Appellate Authority has confirmed the order of dismissal passed by Respondent no. 3 on 14.3.2018.

4. Though various grounds of challenge are raised, in view of one crucial ground urged by the applicant referred to hereinafter, it is considered to be unrequired to discuss other points agitated by the applicant.

5. The point raised by the applicant on which the impugned order is contrary to law is as follows:-

- (a) That the Appellate Authority was required in law, being a quasi-judicial authority as an Appellate Forum to give personal hearing to the applicant, which has not been given.
- (b) Applicant has placed reliance on the reported Full Bench Judgment of the Hon'ble Bombay High Court in Anil Amrut Atre Vs. District & Sessions Judge, Aurangabad, 2002(3) Mh.L.J 750.

6. In the course of hearing, learned Presenting Officer, who appeared for Respondents was granted time to take instructions. Learned Presenting Officer was not only able to dispute the proposition laid down

in the binding precedent, but confirms that there is no record to show that personal hearing was given to the applicant.

7. Therefore, on admitted facts though applicant was not given hearing, we hold that the impugned order stands vitiated and deserves to be quashed and set aside.

8. The Appellate order passed by Respondent no. 2, dated 24.5.018, Exh. K, page 95 to 98 is hereby quashed and set aside.

9. The appeal is remanded back to the Additional Chief Conservator of Forest, Nagpur, Respondent no. 2. Applicant is directed to appear before the said authority on 5.3.2019.

10. Applicant's appeal be heard on that date or on any other dated thereafter by giving him personal hearing and final decision be taken on or before 30.4.2019 and the decision be communicated to the applicant by Reg. Post A.D and email.

11. In the fact and circumstances of the case, parties are directed to bear their own costs.

**Sd/-**  
**(P.N Dixit)**  
**Member (A)**

**Sd/-**  
**(A.H. Joshi, J.)**  
**Chairman**

**Place : Mumbai**  
**Date : 22.01.2019**  
**Dictation taken by : A.K. Nair.**