

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 789 OF 2019

DISTRICT : SINDHUDURG

Shri Shrikrishna P. Parit)
Forest Guard, Vaibhavwadi,)
Social Forestry Division, Oras,)
Dist-Sindhudurg.)
R/o Post Dodamarg, Tal-Dodamal,)
Dhatwadi, Dist-Sindhudurg 416 512.)...**Applicant**

Versus

1. The Government of Maharashtra)
Through Addl. Chief Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai.)
2. Chief Conservator of Forest,)
[Territorial], Kolhapur,)
Near Post Office,)
Tarabai Park, Kolhapur 416 003)
3. Deputy Conservator of Forest,)
Sawantwadi Forest Division,)
Sawantwadi,)
Dist-Sindhudurg 416 510)...**Respondents**

Shri M.D Lonkar, learned advocate for the Applicant.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

CORAM : **Shri P.N Dixit (Vice-Chairman) (A)**
Shri A.P Kurhekar (Member)(J)

DATE : **21.08.2019**

PER : **Shri P.N Dixit (Vice-Chairman) (A)**

ORDER

1. Heard Shri M.D Lonkar, learned advocate for the Applicant and Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

2. The applicant is facing criminal case for corruption charges and the same is yet to be decided. Meanwhile, D.E was launched against him and the findings were submitted to the Disciplinary Authority. The Disciplinary Authority has issued the impugned order, which reads as under:-

“सामान्य प्रशासन विभाग , यांचेकडील शासन निर्णय क्रमांक अभियो-१००६/प्र.क.११/०६/११-अ दिनांक २३.०७.२००७ च्या शासन निर्णयाच्या अनुषंगाने, श्री. परीट, तत्कालिन वनरक्षक आणि श्री. सावंत, वनमजूर यांचे प्रकरण न्यायप्रविष्ट असल्याने मा. न्यायालयाच्या निर्णय लागेपर्यंत सदरील प्रकरण प्रलंबित ठेवण्यात येत आहे. न्यायालयाच्या निर्णयाच्या अनुषंगाने याबाबत भविष्यात निर्णय घेण्यात येईल.”

(Quoted from pages 45 & 46 of the O.A)

3. *The same has been confirmed in the impugned order which reads as under:-*

“श्री. श्री.पां. परीट, तत्का. वनरक्षक कणकवली, वनविभाग सावंतवाडी यांचे विभागीय चौकशी प्रकरणी उपवनसंरक्षक, वनविभाग सावंतवाडी यांनी त्यांचेकडील आदेश क्रं. ब/कक्ष-७/आस्था/विचौ/परीट-सावंत/३३/१८-१९ दिनांक २०/१२/२०१८ अन्वये सामान्य प्रशासन विभाग, यांचेकडील शासन निर्णय क्रं.अभियां-१००६/प्र.क.११/०६/११-अ दिनांक २३/७/२००७ च्या शासन निर्णयाच्या अनुषंगाने श्री. परीट, तत्कालिन वनरक्षक आणि श्री. सावंत, वनमजूर यांचे प्रकरण न्यायप्रविष्ट असल्याने मा. न्यायालयाच्या निर्णय लागेपर्यंत सदरील प्रकरण प्रलंबित ठेवण्यात येत आहे न्यायालयाच्या निर्णयाच्या अनुषंगाने याबाबत भविष्यात निर्णय घेणेत येईल.

असे दिलेले आदेश हे दिनांक २३/७/२००७ रोजीच्या शासन निर्णयातील तरतुदीच्या आधीन राहून त्यांच्या शिस्तभंग विषयक प्राधिकारात दिलेले असलेमुळे श्री. श्री.पां. परीट, तत्का. वनरक्षक, कणकवली, वनविभाग सावंतवाडी सदया वनरक्षक नाथवडे, सामाजिक वनीकरण वैभववाडी यांचे संदर्भिय अपील फेटाळणेत येत आहे.”

(Quoted from page 50 of the O.A)

4. The applicant has made following prayer:-

“15(c) Pending the hearing and final disposal of the present O.A, this Hon’ble Tribunal be pleased to direct the Respondents to

promote the petitioner provisionally to the post of Forester on such terms and conditions as this Hon. Tribunal may deem fit and proper in the facts and circumstances of the present case.”

(Quoted from page 14 of the O.A).

5. The criminal case is likely to be concluded after a prolonged period. The Disciplinary Authority is free to come to its own conclusion without being influenced in any way by the order issued by this Tribunal.

6. Learned advocate for the applicant submits that as per settled legal provisions the Disciplinary Authority may come to a conclusion and get rid of the persons involved in corruption case, if the Disciplinary Authority is satisfied regarding the same.

7. In view of the above, Respondents are directed to come to their own conclusion without being influenced and decide the matter within three months, without waiting for the decision in the criminal case

8. Original Application stands disposed of accordingly with no order as to costs.

(A.P Kurhekar)
Member (J)

(P.N Dixit)
Vice-Chairman

Place : Mumbai
Date : 21.08.2019
Dictation taken by : A.K. Nair.