

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.559/2021**

**DISTRICT:- AHMEDNAGAR**

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Swapnil Pradip Holkar,  
Age : 32 years, Occ. Service as Talathi,  
R/o. Ghargaon, Tq. Shrigonda,  
Dist. Ahmednagar.

**...APPLICANT**

**V E R S U S**

1. The State of Maharashtra,  
Through Secretary,  
Revenue & Forest Department,  
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,  
Nashik Division, Nashik.
3. The Collector,  
Collector Office, Ahmednagar,  
Tq. & Dist. Ahmednagar.

**...RESPONDENTS**

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APPEARANCE : Shri R.K.Ashtekar, Counsel for the  
Applicant.  
: Shri I.S.Thorat, Presenting Officer  
for the respondents.

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**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN  
AND  
SHRI VINAY KARGAONKAR, MEMBER (A)**

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**Decided on: 27-10-2023**

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**O R A L O R D E R**

1. Heard Shri R.K.Ashtekar, learned Counsel for  
the Applicant and Shri I.S.Thorat, learned Presenting  
Officer for the respondents.

2. Present is the case of Talathi who was promoted to the post of Circle Officer on 20-08-2021 and suffered reversion 5 days thereafter vide order passed on 25-08-2021 on the ground that Criminal Appeal No.264/2017 filed against the acquittal of the applicant in the case of Prevention of Corruption Act is pending before the Hon'ble High Court.

3. We need not to make any more discussion as about the legal position in that regard since it is well settled that once a competent court recorded acquittal in favour of the delinquent/accused, merely pendency of Criminal Appeal against the said acquittal cannot be a ground for rejecting the promotion or further service benefits to a Government employee.

4. In the present matter, it is not in dispute that the applicant was prosecuted for an offence under the Prevention of Corruption Act and Special Court has acquitted him from the charges levelled in the said criminal case. It is also not in dispute that the judgment of acquittal came in favour of the applicant in Special Case (ACB) No.15/2014 on 05-10-2016 and almost 5 years thereafter on 20-08-2021 the applicant was promoted to the post of

Circle Officer. It is not denied by the applicant that Criminal Appeal is filed against the order of acquittal and the same is pending before the Hon'ble High Court, however, on that ground it is wholly impermissible to revert the applicant. At the most, promotion can be granted subject to outcome of the Criminal Appeal No.264/2017 pending before the Hon'ble High Court. We are, therefore, inclined to allow the present O.A. Hence, the following order:

ORDER

- [i] Impugned order dated 25-08-2021 is quashed and set aside.
- [ii] Consequently, the order dated 20-08-2021 stands restored. The applicant shall be deemed to have been promoted from the said date and he shall be entitled for all consequential benefits from the date of promotion i.e. from 20-08-2021.
- [iii] It is clarified that the promotion so granted to the applicant shall be subject to outcome of Criminal Appeal No.264/2017 pending against the acquittal of the applicant before the Hon'ble High Court.
- [iv] O.A. stands disposed of in the aforesaid terms, however, without any order as to costs.

**(VINAY KARGAONKAR)**  
**MEMBER (A)**  
**Place : Aurangabad**  
**Date : 27-10-2023.**

**(P.R.BORA)**  
**VICE CHAIRMAN**