

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 933/2022 (S.B.)

Swayamprakash Govindprasad Butoliya,
Aged about 73 years,
Occupation: Retired Forester,
R/o Ghode Plot, Ward No. 16,
Taluka-Katol, Dist. Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai-400 032.
- 2) Chief Conservator of Forest,
Territorial, Nagpur Circle,
Kasturchand Park, Nagpur.
- 3) Deputy Conservator of Forest,
Nagpur Forest Division/Circle Nagpur.

Respondents

Shri Bharat Kulkarni, Id. Advocate for the applicant.

Shri H.K.Pande, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated :- 02.08.2023.

JUDGEMENT

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and
Shri H.K.Pande, Id. P.O. for the Respondents.

2. The case of the applicant in short is as under:-

The applicant is retired as Forester from the office of respondent no. 3. Applicant is retired on 30.09.2008. The applicant was prosecuted in Criminal Case. He was acquitted in the said Criminal Case in respect of offence registered on 05.10.1991. Before this acquittal the respondent no. 3 has initiated enquiry and pass the punishment order dated 04.12.2004. As per punishment order three annual increments permanently withheld and suspension period is treated as punishment. The decision of Criminal Court shall be binding on the applicant.

3. After acquittal the applicant has filed appeal against the order of respondent no. 3 before respondent no. 2. The respondent no. 2 has passed following order:-

A. Suspension period from 25.09.1991 to 18.12.1992 shall be treated as duty period for all purposes.

B. From due pay and allowances of suspension as duty 5% cut.

4. The respondent no. 2 allowed the said appeal on 24.05.2017. Respondent no. 2 has passed the order and issued letter to respondent no. 3 dated 29.08.2022 to reduce the three increments and pay the duty period from 01.07.1988 to 08.07.1988 = 8 days and leave period 09.07.1988 to 15.08.1988 = 38 days total 46 days salary. But

respondents not paid the said amount. Therefore, present O.A. is filed for direction to pay the said amount.

5. The O.A. is opposed by respondent no. 3 by submitting that all the payments were paid to the applicant. Thereafter, applicant filed rejoinder stated that wrong information on affidavit is filed by the respondent no. 3, no any documents are produced on record to show that all the payments are made. Therefore, respondent no. 3 again filed the additional affidavit and in para no. 4 following submissions are made:-

“It is submitted that the statements made in paragraph 6 may not be considered while deciding the O.A. on merit. The said statements according to the present respondent no. 3 have inadvertently been made which is neither deliberate nor wilful but is due to inadvertence. The present respondent for such statement tenders unconditional apology from this Hon'ble Tribunal which may kindly be accepted.”

6. It appears from the submission of respondents that the claim of the applicant in respect of suspension period etc are not paid by the respondents. No any documents are filed on record to show that the payments are made. Hence, the order:-

A. The O.A. is allowed.

- B. Respondents are directed to release three increments and revised the pension and all retiral benefits.
- C. Respondents are further directed to grant unpaid salary of 46 days.
- D. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :-02/08/2023.
aps

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

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 02/08/2023.
and pronounced on

Uploaded on : 03/08/2023.