

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.954/2017**

Fulsingh Mitthuji Rathod,  
Aged about 52 years, Occ. Service,  
(At present under suspension)  
R/o Jayanti Nagri, Besa Road, Nagpur

**..Applicant**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Revenue & Forest Department,  
Mantralaya, Mumbai 400032
- 2) Chief Conservator of Forest,  
(Regional), Near Govt. Press,  
Zero mile, Nagpur
- 3) Divisional Forest Office Social Forestry,  
Division Bhandara,  
C/o Yashwantrao Vanjari Mandir Road,  
Takiya Ward, Bhandara

**..Respondents**

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Shri S.P. Palshikar - Advocate for the Applicant

Shri H.K. Pande – Presenting Officer for the Respondents

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**Coram :- Hon'ble Shri A.D. Karanjkar, Member (J)**

**Dated :- 25<sup>th</sup> October 2018.**

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

Heard Shri S.P. Palshikar, learned Advocate for the Applicant and  
Shri H.K. Pande, learned Presenting Officer for the Respondents.

2. It is the contention of the Ld. PO that in this matter the suspension is already revoked vide order dated 23.8.2018, therefore, OA is infructuous and is liable to be disposed off.

3. The contention of the Ld. PO is opposed by the Ld. Advocate for the applicant on the ground that though the suspension order is revoked by the competent authority vide order dated 23.8.2018 but in fact posting is not given to the applicant. Therefore, inference is to be drawn that the suspension is continued till today. It is submitted that the respondents have no right to keep the applicant away from the office after revocation of the suspension. The action of the respondents is highly unfair, therefore, directions be issued to the respondents to reinstate the applicant immediately.

4. It is submitted by the Ld. PO that proposal is forwarded to the Principal Secretary, Forest Department, in pursuance to the GR dated 20.4.2013. It is submitted that as per the GR dated 20.4.2013 when the suspension is revoked, such employee be posted to another division on non executive post. In view of this GR, the respondent no.2 has forwarded the proposal to the Additional Chief Secretary, Forest Department on 15.9.2018 and it is pending till today. It is contended that in order to give effect to the directions in the GR, immediate posting was not given to the applicant after revocation of suspension order.

5. There appears substance in the contention of the Ld. PO on perusal of the GR dated 20.4.2013 issued by the GAD. It seems that the

Government specifically directed that whenever suspension of the employee is revoked he should not be posted in the same division but he is required to be posted in another division. In the present matter as respondent no.2 is not empowered to post the applicant in another division of the Forest Department, therefore, there was no alternate other than to forward proposal to the Government for posting the applicant in another division. In view of this, it is suitable in the interest of justice to direct respondent no.1 to pass suitable order on the proposal dated 15.9.2018 forwarded by respondent no.2 for giving posting to the applicant within reasonable time. Hence, I pass the following order.

**ORDER**

The respondent no.1 is directed to give posting to the applicant within seven weeks from the date of this order. OA stands disposed off. No order as to costs.

**(A.D. Karanjkar)**  
**Member (J)**