

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO.02/2021
IN
ORIGINAL APPLICATION NO.654/2018
AND
REVIEW APPLICATION NO.03/2021
IN
ORIGINAL APPLICATION NO.653/2018**

**DISTRICT:- NASHIK &
AHMEDNAGAR**

REVIEW APPLICATION NO.02/2021

1. Somnath Baban Bagul
2. Ganesh Shankadu Wagh
3. Sitaram Madhav Gaikwad
4. Ekbal Ahmed Inmandar
5. Bimrao Haribhau Thorat
6. Chandrbhan Shankar Gosavi
7. Sitaram Arjun Hinde
8. Nivruthi Shankar Godesir
9. Magan Yadhav Aheir
10. Shivaji Kashinath Aagale
11. Rajendra Jagannath Kadam
12. Dilip Ramdas Kachve
13. Vishwanth Shankar Chakne
14. Lajras Baburao Bhadtadak
15. Hari Santu Sahane

16. Laxman Santu Jagale
17. Gangadhar Pandurang Mundhe
18. Ranganth Bhimaji Tambekar
19. Umakanth Manhoar Gorade
20. Prabhkar Trimbak Aahvad
21. Chimaman Trimbak Pimpalke
22. Dilip Dashrath Sonar
23. Vasant Damodhar Jadhav
24. Pandit Kisan Aagale
25. Krushna Hari Pawar
26. Lalu Bhau Dhangar
27. Rajendra Jagganath Kadam
28. B.B. Valve
29. B. B. Kodule
30. Trimbak Vitthal Sonawane
31. Chandrkant Sukhadeo Pawar
(All the applicants are working under
The Conservator of Forest, Nashik) **...APPLICANTS**

V E R S U S

1. The State of Maharashtra,
Through : Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-32.
2. The Principal Chief Conservator of Forest,
Nagpur, Wan Bhawan, Ramgiri Road,
Civil Line, Nagpur.
3. The Chief Conservator of Forest,
Nasik, Zone Office, Nasik, Division-1,
Nasik Road, Nasik.

4. The Deputy Conservator of Forest,
Nasik, Nasik Road, Nasik.

...RESPONDENTS

REVIEW APPLICATION NO.03/2021

01. Gorakshanath Nivrutti Londhe
02. Mahipaati Vithoba Mandge
03. Ravindra Shankar Shinde
04. Daud Yakub Shaikh
05. Baban Wamanrao Chohe
06. Shivaji Rambhau Dange
07. Taty Bhagwanta Jadhav
08. Suresh Narayan Bhujbal
09. Janardan Asaram Raut
10. Bhanudas Bajirao Gagare
11. Popat Keruji Darkunde
12. Arjun Devram Pawar
13. Dattatraya Sitaram Mehetre
14. Bhanudas Ravaji Deshmukh
15. Rajendra Shripat Kamble
16. Radhakisan Keru Darkunde
17. Radhakrushna Fakirba Bavane
18. Ankush Vishnu Darekar
19. Dipak Shankar Kamble
20. Babasaheb Genuji Mhaske
21. Vasant Yashwant Shinde

22. Rajmal Laxman Doke
23. Dattatray Yadhav Khemnar
24. Sonyabapu Dagdu Pandhare
25. Ramkrishan Keshav Pandit
26. Bapu Sukhdev Kale
27. Salim Hussain Shaikh
28. Rajbhau Arjun Karpe
29. Kisan Murlidhar Bade
30. Namdev Tukaram Kande
31. Bhagwan Baburao Diwate
32. Tabaji Yashwant Khatri
33. Namdev Bhimraj Mate
34. Uddhav Khram Sonpure
35. Gorakh Ramchandra Jadhav
36. Narayan Muktaji Auti
37. Waman Shamrao Khatke
38. Raosaheb Maruti Walke
39. Hiralal Yadav Singade
40. Jankiram Pandurang Kachre
41. Maruti Shankar Dhondge
42. Bhausahab Kisan Lagad
43. Dilip Dadaji Gosavi
44. Ashok Pandurang Kasbe
45. Ramesh Khandu Parvat

(All the applicants are working under
The Deputy Conservator of Forest,
Ahmednagar)

...APPLICANTS

V E R S U S

1. The State of Maharashtra,
Through : Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-32.
2. The Principal Chief Conservator of Forest,
Nagpur.
3. The Chief Conservator of Forest,
Nasik.
4. The Deputy Director of Social Forestry,
Nasik.
5. The Deputy Chief Conservator of Forest,
Ahmednagar.
6. The Deputy Chief Conservator of Forest,
Sangamner, Dist. Ahmednagar.

...RESPONDENTS

APPEARANCE : Shri S. D. Dhongde, Counsel for
Applicants.

: Shri M.S.Mahajan, Chief Presenting
Officer for respondents.

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

Decided on: 11-12-2023

O R A L O R D E R

1. Heard Shri S.D.Dhongde, learned Counsel for
the applicants and Shri M.S.Mahajan, learned Chief
Presenting Officer for the respondent authorities.

2. In both the review applications the grounds raised are identical, and therefore, we have heard both these review applications together and deem it appropriate to decide the same by this common order.

3. Shri Dhongde, learned Counsel appearing for the review applicants submitted that by a common judgment passed on 01-12-2021 this Tribunal has dismissed the O.A.No.653/2018 and O.A.No.654/2018 by relying upon the earlier judgment and order passed by the Tribunal in O.A.No.882/2012. Learned Counsel submitted that judgment delivered in O.A.No.882/2012 is discussed and distinguished by the Tribunal in its judgment subsequently delivered in O.A.No.1004/2015 with connected O.As. Learned Counsel further submitted that judgment in the case of O.A.No.1004/2015 was referred to and relied upon by the applicants while making arguments in O.A.No.653/2018 and 654/2018. Learned Counsel pointed out that the copy of the judgment delivered in O.A.No.1004/2015 is placed on record in O.A.No.653/2018 and while advancing arguments in the matter, learned Counsel for the applicants had specifically referred to paragraph 17 of the said judgment. Learned Counsel

submitted that, however, this Tribunal has not even referred to the said argument. Learned Counsel submitted that had the said judgment discussed by this Tribunal, probably the decision in O.A.No.653/2018 and 654/2018 would have been different. Learned Counsel submitted that not considering the judgment referred and relied upon by the party can be said to be an apparent error on the face of record. Learned Counsel in the circumstances has prayed for reviewing common order dated 01-12-2021 passed in the aforesaid O.As. and to hear both the O.As. afresh.

4. Learned CPO has opposed the submissions advanced on behalf of the learned Counsel for review applicants. He has submitted that the applicants have not brought to the notice of this Tribunal any error apparent on the face of record, and as such, the review would not lie and there are other remedies available which applicants can very well avail.

5. We have duly considered the submissions made on behalf of the applicants as well as the State authorities. Review of an order can be sought on the following grounds:

(i) Disclosure of any new and important matter of evidence which after exercise of the due diligence was not

within the knowledge of the party or could not be produced by him at the time when the order was passed.

- (ii) On account of some mistake.
- (iii) Any error apparent on the face of record.
- (iv) Any other sufficient reason.

6. We have perused the common order dated 01-12-2021 passed by this Tribunal review of which is sought in the present review applications. It is true that in the said order, the Tribunal has not referred to the judgment in the case of O.A.No.1004/2015 with connected O.As. The record in the matter of O.A.No.653/2018 confirms the fact that the learned Counsel for the applicants has placed on record the copy of the judgment delivered in O.A.No.1004/2015 and has also referred and relied upon the said judgment. It is also true that in the said judgment, the earlier judgment delivered by this Tribunal in O.A.No.882/2012 is distinguished. Perusal of the order passed by this Tribunal on 01-12-2021 reveals that in the said order the judgment delivered by this Tribunal in O.A.No.1004/2015 has not been referred and discussed. It is an altogether different matter whether view taken by this

Tribunal in O.A.No.1004/2015 would have of any help in the matters of O.A.No.653/2018 and 654/2018 but the fact remains that the judgment which was referred to and relied upon by the learned Counsel appearing for the applicants has remained to be considered by this Tribunal in the order dated 01-12-2021. In the circumstances, we are inclined to allow the present review applications thereby recalling the common order passed in O.A.No.653/2018 and 654/2018 delivered on 01-12-2021. Hence, the following order:

ORDER

- [i] Review Application Nos.02/2021 & 03/2021 are allowed.
- [ii] Order dated 01-12-2021 passed in O.A.No.653/2018 & O.A.No.654/2018 stands recalled.
- [iii] O.A.No.653/2018 & O.A.No.654/2018 be heard in accordance with law and be listed for hearing on 18-01-2024.
- [iv] No order as to costs.

(VINAY KARGAONKAR)
MEMBER (A)

(P.R.BORA)
VICE CHAIRMAN

Place : Aurangabad
Date : 11-12-2023.