

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.1002/2024 (D.B.)**

Shri Mohan S/o Vijay Joshi,  
Aged about 57 years, Occu.: Service,  
R/o C/o Vikram Kelkar, Plot No.233,  
Dhare Galli, Near Dhantoli Police Station,  
Chhoti Dhantoli, Nagpur-440012.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Principal Secretary,  
Revenue and Forest Department,  
Mantralaya Mumbai-32.
- 2) Principal Chief Conservator of Forest  
(Head of Forest Force) Van Bhawan,  
Ramgiri Road, Civil Lines, Nagpur - 440001.
- 3) Additional Principal Chief Conservator of Forest (Personnel),  
Maharashtra State, Van Bhawan,  
Ramgiri Road, Civil Lines, Nagpur - 440001.

**Respondents.**

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Shri N.D.Thombre, Ld. Counsel for the applicant.  
Shri M.I.Khan, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri Justice Vinay Joshi, Member (J) &  
Hon'ble Shri Nitin Gadre, Member (A).**

**Dated:- 23<sup>rd</sup> January, 2025.**

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### **JUDGMENT**

Heard Shri N.D.Thombre, learned counsel for the applicant and Shri M.I.Khan, learned P.O. for the respondents.

2. By filing Original Application under Section 19 of the Administrative Tribunals Act, 1985 the applicant seeks implementation of the statutory provisions namely Section 20 of the Rights of Persons With Disabilities Act, 2016.

3. The facts in brief are that the applicant was initially appointed on the post of Clerk-Cum-Typist vide order dated 29.07.2004, on the establishment of respondent no.2 i.e. Principal Chief Conservator of Forest, Nagpur. The applicant was promoted on the post of Accountant vide order dated 06.07.2015 to which he joined on 09.07.2015. Undisputedly, on 28.09.2023 the applicant met with an accident making him physically disabled. The applicant has produced Disability Certificate (Page 49) showing 64% temporary disability as specified in the Certificate. The said Certificate was tendered to the Authority on 28.08.2024. Thereafter, the respondent has referred the applicant to the Medical Board vide communication

dated 27.09.2024. Likewise this Tribunal has also directed the applicant to appear before the Board which he did. The applicant was examined by the Board, which has issued Disability Certificate dated 11.12.2024 which is tendered on record.

4. It is the applicant's grievance that despite the provisions of amended Section 20 of the Act of 2016, he has been denied to join on duty which is the only relief sought. The State has not disputed that the applicant met with an accident and was suffered from physical disability.

5. In case of disablement, it is a procedure to issue temporary Disability Certificate initial for the period of two years and then after review further course of action would be taken. The applicant met with an accident on 28.09.2023 whilst his date of retirement by superannuation is 31.05.2025 i.e. within two years. Since the applicant is physically disabled person statute has provided protection by evolving a mechanism under Section 20 of the Act of 2016. We see no justification in denying the applicant to be joined on duty. Neither any provision nor rule has been brought to our notice to preclude him. Naturally, the department has to adopt the course as provided under Section 20 by allowing the applicant to join on the post. Hence, the following order-

**ORDER**

1. The Original Application is allowed.
2. We hereby direct the respondents to permit the applicant to join on duty within one week and department shall take further steps in accordance with Section 20 of the Rights of Persons With Disabilities Act, 2016.
3. The salary and other reliefs shall be granted to the applicant as per the provisions of Act of 2016.
4. No order as to costs.

**(Nitin Gadre)**  
**Member(A)**

**(Justice Vinay Joshi)**  
**Member (J)**

Dated – 23/01/2025  
rsm.

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

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Member (J)  
& Hon'ble Member (A).

Judgment signed on : 23/01/2025.  
and pronounced on