

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.667 of 2019 (D.B.)**

Shri Krishna Govindrao Aloorkar,  
Aged about 60 years,  
Occu: Retired as Assistant Conservator of Forest,  
R/o 301 Washim Palace, Dattatraya Nagar, Nagpur 24.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary Department of Forest,  
Mantralaya Mumbai 32.
- 2) The Principal Secretary,  
Revenue and Forest Department,  
Mantralaya Mumbai 32.
- 3) The Principal Chief Conservator of Forest,  
Office at Civil Lines, Nagpur.
- 4) The Chief Conservator of Forests (Working Plan- East),  
Ravinagar, Near CP & Berar High School, Nagpur.

**Respondent.**

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**S/Shri S.S. Ghate, G. Iyer, Rucha Pande, Disha Khandelwal, Advs.  
for the applicant.**

**Shri A.M. Khadatkhar, learned P.O. for respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar, Vice Chairman and  
Hon'ble Shri Nitin Gadre, Member (A).**

**Dated :- 13/09/2024.**

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

Heard Shri S.S. Ghate, learned counsel for the applicant  
and Shri A.M. Khadatkhar, learned P.O. for the respondents.

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

The applicant was suspended on 14/03/2014 because he was arrested by the Police and he was in the Jail. It is alleged that the applicant was caught by the Officers of Director of Revenue Intelligence (DRI) while transporting red-sandals and they have handed over the vehicle along with four mobiles captured by them to the applicant and staff working under him on 12/12/2013 in the night. The applicant was arrested by the Police for the offence punishable under Sections 307, 386, 388, 406, 465, 471, 506 (2), 218, 201, 120 (B) and 109 of Indian Penal Code and also Article 3, 25, 27 of Armed Act.

3. The departmental inquiry is pending since long. Therefore, the applicant approached to this Tribunal to quash / drop the departmental inquiry.

4. The reply is filed by the respondents. As per the submission of respondents, the applicant is arrested for the serious offences. The Criminal case is pending against the applicant. The departmental inquiry though completed, but final decision is not taken because of pendency of the criminal case against the applicant and hence the O.A. is liable to be dismissed. The para-4 of the reply is reproduced below -

*“(4) It is submitted that, the vehicle number HR-55/E-2950 was caught by the officers of Director of Revenue Intelligence (DRI) while transporting Red-Sandel's and they have handed over the vehicle along with 4 mobiles captured by them, to the applicant and staff working under the applicant*

*on dated 12/12/2013 at night. The offence is filed against Shri Pokharkar vide POR No. M-11/2013-14 at Panvel round. It is specifically submitted here that, all these charges are specifically quoted in the charge sheet, which are serious in nature hence the criminal case is also filed against the applicant. It is also submitted that FIR No. 103/2014 is also filed on 15/3/2014 against the applicant at Police Station Panvel City under Article 307, 386, 388, 406, 465, 471, 506(2), 218, 201, 120(B) and 109 of Indian Penal Code and also Article 3, 25, 27 of Armed Act. The applicant was in jail from 26/04/2014 to 02/07/2014 and was released on bail on 02/07/2014.”*

5. During the course of submission the learned counsel for applicant has pointed out the Judgment of this Tribunal in O.A.No.310/2023, decided on 13/02/2024. The fact in the cited Judgment is very much different. The applicant in that case was not facing any criminal case. Therefore, the cited Judgment is not applicable.

6. This Tribunal had directed the learned P.O. as per the order dated 09/02/2023 to get instructions about the progress of departmental inquiry, but till date no any information is supplied by the respondents. As per the submission of learned P.O., he has not received any instruction from the respondents about the final decision of departmental inquiry.

7. We cannot drop / quash the departmental inquiry because the applicant is already facing criminal case. As per the submission of learned counsel for applicant, the applicant is getting provisional

pension. As per his submission, the suspension was revoked on 12/07/2016. The applicant is retired on 30/06/2017. The inquiry is completed on 23/06/2018. As per the Judgment of the Hon'ble Supreme Court in the case of **Prem Nath Bali Vs. Reg., High Court of Delhi & Anr., decided on 16 December, 2015** in Civil Appeal No. 958 of 2010, the inquiry is to be completed within six months and outer limit is given by the Hon'ble Supreme Court of one year to complete the inquiry. In the case of **State of Madhya Pradesh & Ano. Vs. Akhilesh Jha & Ano. (2021) in Civil Appeal No.5153/2021, decided on September 6, 2021**, the Hon'ble Supreme Court has given direction to complete the inquiry within a stipulated period. Hence, we pass the following order –

### **ORDER**

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to take final decision in the departmental inquiry within a period of four months from the date of receipt of this order.
- (iii) No order as to costs.

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

**(Justice M.G.Giratkar)**  
**Vice Chairman.**

**Dated** :- 13/09/2024.

dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman and  
Member (A).

Judgment signed on : 13/09/2024.