

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 994 OF 2022**

**DISTRICT : RAIGAD**

Shri Pramod Bapurao Bagal, )  
Occ-Forester working at Social Forest )  
Office, Mangaon, Dist-Raigad. )  
R/o : F-202, Vrundawan Garden, )  
Mudre Khurd, Karjat, Dist-Raigad. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through Principal Secretary, )  
Revenue & Forest Department, )  
Mantralaya, Mumbai 400 032. )  
2. Principal Chief Conservator of Forest )  
[Head of Forest Force], 'Vanbhavan' )  
Ramgiri Road, Civil Lines, )  
Nagpur 440 001. )  
3. The Secretary, )  
General Administration Department,)  
Mantralaya, Mumbai. )...**Respondents**

Shri K.R Jagdale, learned advocate for the Applicant.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

**CORAM : Justice Mridula Bhatkar (Chairperson)**  
**Mrs Medha Gadgil (Member) (A)**

**DATE : 24.04.2024**

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

1. The applicant prays that the Tribunal be pleased to direct the Respondents to promote the applicant on the post of Range Forest Officer at par with the Junior employees with all other consequential service benefits forthwith.

2. Learned counsel submits that the applicant was suspended on 13.3.2014 in contemplation of departmental enquiry. On 15.3.2014 FIR was registered against the applicant and 13 other officers, u/s 307, 386, 388, 406, 465, 107 506(2), 218, 201, 120(b) and 109 of IPC. Learned counsel further submitted that on 31.3.2015 charge sheet in the departmental enquiry was served on the applicant. Learned counsel submitted that on 13.4.2016 DPC meeting was held for promotion and the applicant's name was considered for promotion. However, his name was dropped from the select list for promotion due to pending suspension.

3. Learned counsel submits that departmental enquiry against the applicant is pending vide charge sheet dated 31.3.2015. Learned counsel submitted that in the year 2018 the departmental enquiry is closed and the result of departmental enquiry is not declared as criminal case is pending. Learned counsel submitted that charges are framed in the year 2016, but no evidence is recorded till today. Learned counsel for the applicant relied on the decision of this Tribunal dated 11.7.2022 in O.A 770/2021, Shri Dayanand N. Kiratkar Vs. The Director General & Inspector General of Police & Anr. Learned counsel for the applicant further submitted that the case of the applicant is squarely covered by the

decision of the Hon'ble Bombay High Court dated 5.10.2023 in W.P 1672/2022, Ashok Madhukar Nand Vs. The State of Maharashtra & Ors. Learned counsel relied on paras 7 & 12 of the said judgment wherein it has emphasized that G.R dated 15.12.2017 is to be made applicable by considering the guidelines mentioned in clause 6 of the said G.R.

4. Learned P.O submitted that the facts of the case in W.P 1672/2022, in Ashok Madhukar Nand's case and the present case of the applicant are same as in both the matters criminal case and departmental enquiry are pending against the applicant.

5. In O.A 770/2021, Shri Dayanand N. Kiratkar Vs. The Director General and Inspector General of Police, the Tribunal observed as under:-

“6. The Hon'ble Supreme Court in the case of **UNION OF INDIA & ORS Vs. K.V JANKIRAMAN & ORS, AIR 1991 S.C 2010**, has given the specific directions how the case of the Government servant against whom the criminal cases are pending is to be considered while giving promotion. On the basis of these guidelines, the Government of Maharashtra issued the G.R dated 15.12.2017. The said G.R was issued with an object to follow a particular procedure while considering the cases of the Government servants for promotion against whom criminal cases are pending. Thus, mere mentioning of the said G.R dated 15.12.2017 in the minutes of the D.P.C meeting does not mean that the D.P.C has followed the procedure in the said G.R.”

6. Once the evidence is recorded in the departmental enquiry when the criminal case is pending, the defence of the accused is already disclosed and defence of accused getting prejudice further and therefore the decision is to be taken immediately and pendency of the criminal case will not come in the way of the Respondents and result is to be declared.

7. In view of the above, Original Application is disposed of with following directions:-

- (a) The Respondents to pass final order in the departmental enquiry within a period of four weeks and communicate the same to the applicant.
- (b) The Respondents are further directed to consider the case of the applicant for promotion to the post of Range Forest Officer as per G.R dated 15.12.2017 issued by G.A.D and communicate the same to the applicant.

**(Medha Gadgil)**  
**Member (A)**

**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 24.04.2024**  
**Dictation taken by : A.K. Nair.**