

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 309 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : **11 MAR 2016**

ORIGINAL APPLICATION NO. 914 OF 2015.

(Sub :- Termination)

- 1 Shri Jaywant B. Ahire,
R/at. Bilpuri, Post. Chirai, Tal. Baglan, Dist. Nashik.

.....APPLICANT/S.

VERSUS

- | | |
|---|--|
| 1 Upvibhagiya Van Adhikari,
Malegaon Karyalay, Van Vasahat
Infront of Sitabai Hospital,
Malegaon, H.Q., Dist. Nashik,
Pin-423203. | 2 Van Parikshetra Office, Satana,
Dist. Nashik. |
| 3 Mukhya Van Saurakshak Upvan
Vibhag Pradeshik, Nashik H.Q.,
Pin-422001. | 4 Secretary, Van Vibhag,
Mantralaya, Mumbai-01. |
| 5 Chief Secretary Maharashtra,
Mantralaya, Mumbai-01. | |

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the **08th** day of **March , 2016** has made the following order:-

APPEARANCE : Shri. D.D. Ahire, Advocate for the Applicant.
Shri. N.K. Rajpurohit, learned C.P.O. for the Respondents.

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**
HON'BLE SHRI R.B. MALIK, MEMBER (J).

DATE : **08.03.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

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4/3/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.914 of 2015</u></p>
	<p>Heard Shri D.D. Ahire, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.</p>
	<p>2. This OA seeks to challenge the order dated 3.9.2015 whereby the applicant a Forest Labourer came to be terminated because of the alleged non fulfillment of the required work of 240 days per year for 5 years.</p>
	<p>3. The applicant and 37 others came to be absorbed by order dated 6.12.2012 as Forest Labourers. Then about 3 years there afterwards by the impugned order, the applicant was terminated which is why he is up before us in this OA.</p>
	<p>4. We have perused the record and proceedings. In fact on a very short point which however, is of vital significance this OA has to be disposed off with necessary directions. It so happened that except for a show cause notice no other steps were taken. The DE was not held. This lapse is not just a pointless nitpicking. It is of momentous significance. It so happened that the very nature of allegations were such as to be explained away by the applicant which may not necessarily be only by way of response to the show cause notice. Therefore, unless full opportunity was given to the applicant to know the nature of accusations against him and then an avenue to defend him the principles of natural justice would not have been followed and complied with and such an order cannot be sustained even in the</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

circumscribed jurisdiction of judicial review of administrative action. The process of reaching the conclusion was surely vitiated in an irredeemable manner and, therefore, interference is called for.

5. In so far as the question of immediate reinstatement is concerned as of today we are not so inclined as to order immediate reinstatement. However, if the respondents were to fail to keep the deadline to be set by us within which the DE should be concluded then even as the DE might continue but the applicant will have to be reinstated.

6. The impugned order stands hereby quashed and set aside. The matter is remitted to the respondent no.1 for holding regular departmental enquiry against the applicant in accordance with the rules relevant and to conclude the same by issuance of an order and communication thereof to the applicant within four months from today. In the event of his failure to do so, even as the DE may continue but the applicant will have to be reinstated as Forest Labourer the post from which he came to be terminated. OA is disposed off in these terms with no order as to costs.

DATE: 8/3/16

CORAM:

Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)

Hon'ble Shri R. B. MALIK (Member)

APPEARANCE:

Shri/Smt. D.D. Ahir

Advocate for the Applicant

Shri/Smt. M. R. Raychandani

Advocate for the Respondents

OA is disposed of

(R.B. Malik) 8/3/16
Member (J)
8.3.2016

(sgj)

(Rajiv Agarwal)
Vice-Chairman
8.3.2016

TRUE COPY

Asst. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai