

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 449/2005(D.B.)**

Pundlik s/o Nathuji Raghute,  
Aged about 47 yrs. Occu: Service,  
R/o-9, Anand Palace, A/301,  
Bhande Plot Square, Ayurvedic Layout,  
Sakkardara, Nagpur.

**Applicant.**

**Versus**

1. State of Maharashtra,  
Through its Secretary  
Department of Tribal Development,  
Mantralaya, Mumbai-32.
2. The Commissioner,  
Tribal Development, Nasik.
3. The Additional Commissioner,  
Tribal Development, Giripeth, Nagpur.
4. The Project Officer,  
Integrated Tribal Development Project, Gadchiroli.

**Respondents.**

---

Shri P.S.Kshirsagar, Ld. Counsel for the applicant.  
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

---

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

**Dated:** - 09<sup>th</sup> September, 2024.

---

### **JUDGMENT**

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

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

The applicant was working as Headmaster in the Ashram School at Navargaon, District Wardha. The applicant was posted / promoted on the post of Headmaster in Ashram School at Musalwadi, Tahsil Malegaon, District Washim as per order dated 18.02.1986. Thereafter, he was transferred to Ashram School at Rangi, District Gadchiroli.

3. When he was working as Headmaster at Rangi, District Gadchiroli he himself corrected the date 01.03.1993 as 01.03.1992. Because of the unauthorised correction by the applicant he was given excess payment in respect of efficiency bar from 1992. The applicant was given charge sheet. Departmental enquiry was held. In the departmental enquiry charge against the applicant was proved. Thereafter, the Disciplinary Authority reverted the applicant from the post of Headmaster to the post of Teacher. The applicant had challenged the order dated 17.10.2002 before the Appellate Authority i.e. the Commissioner of Tribal Development Department, Nashik. The said appeal was decided on 25.05.2005 and the appeal

was dismissed. Hence, the applicant has filed the present appeal for the following reliefs-

- i) issue an appropriate writ, order or direction holding that the action on the part of Respondent No. 2 in dismissing the appeal by order dated 25.05.2005 and confirming the order dated 17.10.2002 passed by the respondent no. 3 is illegal:*
- ii) Require the respondents to continue the applicant as Head- Master and cancel his reversion order dated 17.10.2002*
- iii) Require the respondents to grant all benefits, applicable to the post of Head-master, to the applicant from the date of his reversion i.e. 17.10.2002 till the date he is allowed to join as Head-Master, and also treat the period of suspension as duty period.*
- iv) Grant any other or further relief including costs as may be deemed fit & proper in the facts & circumstances of the case.*

#### **9. INTERIM RELIEF**

*In view of the aforesaid facts, the applicant is praying for the interim relief to stay the effect and operation of order dated 17.10.2002 and 25.05.2005 during the pendency of the present application.*

4. The respondents have filed reply. It is submitted that when the applicant was working as Headmaster at Rangi, District Gadchiroli, he himself made correction in service book by scoring 1993 and by adding 1992. He unauthorisedly withdrew the amount of one year in respect of efficiency bar. It is submitted that departmental enquiry was held against the applicant. In the departmental enquiry, the applicant was found guilty. The

Disciplinary Authority has taken decision to revert him. The appeal was filed before the Commissioner. The said appeal was dismissed on 25.05.2005. Hence, the O.A. is liable to be dismissed.

5. During the course of submission, the learned counsel for the applicant has pointed out order passed by the Commissioner, Tribal Development Department dated 04.05.1996. As per his submission, Additional Commissioner has corrected the date as 01.03.1992 as per order dated 04.05.1996.

6. The learned P.O. has pointed out that after the unauthorised correction by the applicant the necessary documents were submitted to the Additional Commissioner and therefore the said order was passed.

7. The enquiry was held against the applicant and the Disciplinary Authority has taken decision on 17.10.2002 by reverting him from the post of Headmaster to the post Teacher. The appeal was also dismissed on 25.05.2005.

8. The forgery committed by the applicant was came to the notice of the department in the year 1996-1997. Thereafter, departmental enquiry was started and the disciplinary authority passed the order on 17.10.2002. Appeal was decided on 25.05.2005. The applicant cannot say that the Additional Commissioner has rectified his mistake. The forgery/correction made by the applicant

himself was come to the notice of department lateron and therefore departmental enquiry was conducted. The applicant was found guilty. In fact, it is a case of forgery punishable under Indian Penal Code. The respondents had not taken any decision to prosecute him for the offence of forgery. Respondent no.2 has rightly decided the appeal of the applicant. The applicant is retired in the year 2016. This O.A. is pending since 2005. Looking to the misconduct committed by the applicant, there is nothing wrong by reverting the applicant from the post of Headmaster to the post of Teacher. Hence, there is no merit in this O.A.. Therefore, we pass the following order-

**ORDER**

The O.A. is dismissed with no order as to costs.

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

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

Dated – 09/09/2024.  
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 Vice Chairman  
& Hon'ble Member (A).  
Judgment signed on : 0/09/2024.  
and pronounced on

\*\*\*