

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 645/94.

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DATE OF DECISION 06.07.1994.

Sharad Dinkar Sathe

Applicant(s)

Versus

State of Maharashtra & 1 other

Respondent(s)

1. Whether it be referred to the Reporter or not ? ~
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? ~

MEMBER


VICE CHAIRMAN

mbm:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, BOMBAY 1

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CAMP: NAGPUR

D.A. No. 645/94

Sharad Dinkar Satho

..Applicant

v/s.

State of Maharashtra & 1 other

..Respondents

Cerams: Hon. Shri Justice M.S.Deshpande, V.C.
Hon. Shri M.R. Kolhatkar, Member (A)

APPEARANCE:

Mr. S.G. Aney with Mr. M. Sudame
counsel for the applicant

Mr. G.K. Nilkanth
counsel for the Govt. of Maharashtra

ORAL JUDGMENT:

(Per: M.S.DESHPANDE, Vice Chairman)

DATED: 6.7.1994

We have heard the learned counsel. There is no mention in the reply filed by the respondents regarding [redacted] the steps that were being taken by the Inquiry Officer Shri M.S. Parasnath, Chief Conservator of Forests after we made the order dated 6.7.1993 for expeditiously completing the enquiry. Shri Nilkanth, learned counsel for the respondent states that we have already held the charges against the applicant, who is a Divisional Forest Officer, were serious and, therefore, we were not inclined to revoke the suspension. It is true that the suspension was quite in order, but we also directed that the enquiry be completed with due despatch, and preferably within a period of nine months. There has been no compliance with the directions which we had issued and it is pathetic that though an officer of the rank of Divisional Forest Officer was subject to an enquiry, the Conservator of Forests did not find time for this enquiry. Shri Nilkanth, learned counsel for the respondent, states that the Conservator of Forests will have to complete the enquiry in addition to attending to the other works. We are not impressed by such a submission. It is for the department to consider to which officer

[Signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

REVIEW PETITION NO.73/95

IN ORIGINAL APPLICATION
NO. 645/94.

Sharad Dinkar Sathe ... Applicant

v/s.

1. State of Maharashtra,
through Principle Secretary,
Revenue & Forests Department,
Mantralaya, Bombay.

2. Union of India
through its Secretary,
Ministry of Environment,
Forests and Wild Life,
New Delhi.

... Respondents

CORAM: Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.
Hon'ble Shri M. R. Kolhatkar, Member (A).

TRIBUNAL'S ORDER IN REVIEW
PETITION NO. 73/95 by circulation.

1 Per Shri M.R. Kolhatkar, Member (A) I Sated 25-8-95

This is a review petition filed by original respondent-1, State of Maharashtra seeking a review of our order dated 6.7.1994 in which we had granted a further period of nine months for completing the enquiry against the applicant. We further directed that the suspension shall stand automatically revoked if the enquiry is not completed within that period, subject to the applicant cooperating in the enquiry. The grounds urged for the review of this order are that when this order of automatic reinstatement was passed, the petitioner, that is, State of Maharashtra was not aware of the responsibility of Respondent No.1 in regard to the irregularities in other cases while functioning as Deputy Conservator of Forests, that the Original applicant is facing in all 5 departmental inquiries on serious charges and reflecting doubtful integrity, and that this order of Automatic Reinstatement is inconsistent with



Q the subsequent order of dismissal of OA No.1385/95 passed on 6/3/95. A Review Petition No.37/95 in O.A. No.1385/94 has also been dismissed on 29/3/95. It is stated that this inconsistency in these two orders was brought to notice of Tribunal by way of MP No.290/95 which was dismissed on 24/4/95 with liberty to file Review Application with application for condonation of delay.

2. The present review petition is accompanied by MP-528/95 with a prayer for condonation of delay. The reasons for delay adduced in the MP are that the material on which the subsequent order of suspension was passed came to the knowledge of the petitioner very late and some time was lost in pursuing MP-290/95 and hence the delay is sought to be condoned.

3. The reasons for condonation of delay are not very detailed; all the same we propose to dispose of the matter on merits. MP-528/95 in review petition 73/95 is allowed and thus disposed of.

4. The main reason for seeking review of our order dated 6/7/94 is that that order of Automatic Reinstatement is inconsistent with the subsequent order of the dismissal of the OA No.1385/94. In that OA, we had noted that the applicant had not exhausted the departmental remedies while filing MP against the impugned order of Suspension and that in respect of another inquiry the applicant was suspended. Having regard to the facts, we In dismissed the OA. / the review petition No.37/95 in OA No.1385/94, we had noted that the order to which automatic revocation of suspension applied, was in connection with purchase of stores during the financial year 1991 whereas the suspension in respect of OA 1385/94 was about clearance of

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afforestation

afforestation works at Gorewada and Ambazari. We had accordingly noted the facts which had come before us in the OA and the rejection of Review Petition only confirmed our orders dated 6/3/95 in OA 1385/94.

The Tribunal was made aware of multiplicity of inquiries against the Officer at the time of passing the orders in OA 1385/94 itself. We do not, therefore, see any inconsistency between our order of Automatic Revocation of suspension in OA 645/94 passed on 6/7/94 and the subsequent orders. The order of automatic revocation applied only to the DE which was the subject matter of OA 645/94 whereas the order in OA 1385/94 related to suspension in relation to the DE which was the subject matter of that OA. In the circumstances, we see no reasons for reviewing our order dated 6/7/94 in OA 645/94. The review petition is accordingly dismissed with no orders as to costs. We dismiss the review petition by ~~or~~ circulation as permissible under the rules.

M.R.Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A)

M.S.Deshpande
(M.S. DESHPANDE)
VICE CHAIRMAN

abp.