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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO. 101 OF 2009
ALONGWITH
CIVIL APPLICATION NO. 48 OF 2014
ALONGWITH
CIVIL APPLICATION NO. 127 OF 2016**

Chandrashekhar Vithal Parab ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Shri N.R. Bubna, for the Petitioner.
Mrs. R.A. Salunkhe, AGP for Respondent Nos. 1 to 3 and for
Applicant in CAI No. 127 of 2016.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATED: 19TH APRIL 2018.

PC:-

1. We have perused the Petition and annexures to the
Petition. There are only two substantive prayers in this Petition
which are prayer clauses (a) and (b) which read thus:-

*a. "for a writ of mandamus, for a writ in the nature of
mandamus or for any other appropriate writ, direction or
order directing the Respondents to take appropriate
penal action against officers guilty of misconducts and
corrupt practices".*

*b. "that a centralized agency like C.B.I. And / or an
independent persons holding high posts in the Forest
Department and having experience of functioning of the
Department viz. Shri C.S. Joshi, Add. PCCF, Nagpur,
Shri Tasneem Ahemad CCF Conservation Nagpur, or
Shri J.N. Sexena Retired PCCF of Maharashtra State be*

appointed as officer to enquire into all the issues raised in present petition as well as the PIL No. 29 of 2007, regarding misappropriation, Violation of the provisions of Forest Conservation Act, 1980 and Indian Forest Act, 1927 and submit report directly to this Hon'ble Court and that necessary order be passed on said report as per law."

2. There are various Affidavits filed on record. The last of the Affidavits is of 27th October 2016 filed by Shri Sagar Gavte, Assistant Conservator of Forest (Protection and Encroachment Removal) Sangli. Paragraph 3 of the Affidavit discloses that MIDC, Kupwad Police Station registered Crime under section Prevention of Corruption Act, 1988 and Sections 467, 468, 471, 420, 109 read with 34 of the Indian Penal Code against 42 forest employees. The official departmental enquiry was also initiated against the said 42 forest employees.

3. It is stated in the Affidavit that out of 42 employees, 5 employees died, chargesheet against 19 forest employees was filed in the Special Court at Sangli and supplementary chargesheet against remaining 18 forest employees was filed on 24th April 2015. It is pointed out that out of 42 forest employees, departmental enquiry against 3 is not initiated as it was found that there was no evidence against them. The Affidavit records that disciplinary enquiry in respect of 39 employees has been completed. The chart annexed at Exhibit '1' to the Affidavit gives

all the details such as date of the enquiry report, finding of the Enquiry Officer and the action taken on the basis of the inquiry report. In case of one employee, the enquiry was closed by issuing a censure. In case of 11 employees, the enquiry officer held charges as proved. The action taken against the said employees is also mentioned in the chargesheet. In case of many employees who were held to be guilty of misconduct, damages were ordered to be recovered. In case of two employees, apart from order to pay damages, certain increments were ordered to be withheld. Considering the statements made in the Affidavit of Shri Gavte dated 27th October 2016 and considering prayer clauses in Petition, we are of the view that the prayers made in the Petition do not survive, in view of the said action initiated by way disciplinary and criminal proceedings.

4. Accordingly, the Petition is disposed of. Pending Civil Applications do not survive. Rule is discharged. No order as to costs.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)