

Pradnya Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION ST. NO. 31863 OF 2019**

Sandeep Tukaram Choure ..Petitioner

vs.

The Chief Conservator of Forest (T) and Ors. ..Respondents

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A.R. Kori a/w Mr. Nitin Pagare I/b. Mr. R.G. Panchal for
Petitioner.

Mr. R.S. Pawar, AGP for Respondent Nos.1 to 5.

Mr. Gaurav A. Bandiwadekar for Respondent No.6.

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**CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.**

DATE : 11 FEBRUARY 2020

P.C.:-

Not on board. Taken on production at the request of
the Petitioner.

2. Heard learned counsel for the parties.

3. The Petitioner has challenged the order passed by the
Maharashtra Administrative Tribunal allowing the Original
Application filed by Respondent No.6.

4. Respondent No.6 had filed an application No.1007 of
2018 challenging his order of suspension dated 14 September

2018. The Respondent No.6 was working as Range Forest Officer at Wada, District Palghar. He was served with a chargesheet on 10 September 2018 and was suspended. The Tribunal after considering the case put up by the Respondent No.6 and after hearing the Respondent-State held that the suspension order is liable to be quashed and set aside and it was directed that the Respondent No.6 be reposted to his original post and the enquiry be completed within a stipulated period.

5. The Petitioner has challenged the order passed by the Tribunal on the ground that the Petitioner who was posted in the place of Respondent No.6 was not given any notice and he was not aware of the same and if the order of the Tribunal is implemented, the Petitioner would be transferred. The Petition was moved during the vacation and the learned Vacation Judge on 26 December 2019 issued notice to the Respondent and directed that the Petitioner should not be transferred.

6. The learned counsel for the Respondent No.6 rightly points out that the Petitioner will have to first approach the Tribunal. He contends that the Respondent No.6 being under suspension could not be expected to have any information that the Petitioner was posted in his place and since the suspension is set aside, he is directed to be reposted to his original post, the Petitioner will have to be shifted from that post.

7. What would be the inter-se rights between the Petitioner and the Respondent No.6 will have to be decided by the Tribunal. Admittedly, the Petitioner was not a party to the proceedings initiated by the Respondent No.6 before the Tribunal. It is always open to the Petitioner to apply to the Tribunal to seek recall of the order or such other reliefs that the Petitioner is entitled in law. Once such proceedings are initiated by the Petitioner, the Tribunal has to consider the same on its own merits.

8. Therefore, we are not inclined to entertain the Petition. Considering that the ad-interim order granted by this Court has been continued for a period of two months, we deem it appropriate that the same is continued for a period of four weeks from today to enable the Petitioner to approach the Maharashtra Administrative Tribunal.

9. Accordingly the Writ Petition is disposed of with liberty to the Petitioner as above.

10. Interim order granted in this Petition earlier to continue for a period of four weeks from today.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)