



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6437 OF 2023

(The State of Maharashtra through its Principal Secretary Revenue and Forest Department, Mumbai and another
Vs. Pradeep Pundlikrao Dhole)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M. Ghogre, A.G.P. for Petitioners.
Shri S.P. Palshikar, Advocate for respondent

CORAM : ANIL S. KILOR, AND
SMT.M.S.JAWALKAR JJ.

DATED : 20/03/2024.

1. This Writ Petition takes exception to the judgment and order dated 11/03/2022, allowing the application filed by the respondent for direction to release the increments in favour of applicant with effect from 2009 to 2013 along with interest.

2. It is the case of the State that in view of the charge sheet issued to the respondent, an enquiry was conducted and at the end of same, the punishment was imposed vide order dated 28/07/2008 withholding the five increments with permanent effect and further considered the period from 17/09/2000 to 28/09/2000, as leave without pay.

3. The said order was the subject matter of

challenge in a departmental appeal before the Additional Principal Chief Conservator of Forest who set aside the order dated 28/07/2008 and imposed the punishment of compulsory retirement. The said order dated 20/03/2013, was the subject matter of challenge in the Original Application No. 639/2013.

4. The Maharashtra Administrative Tribunal allowed the said original application and thereby set aside the order of punishment dated 20/03/2013 and directed the petitioners to reinstate the respondent with all consequential benefits including back wages vide judgment dated 29/04/2014.

5. From the said judgment, it is evident that the learned Tribunal had set aside the order of punishment and not the order setting aside the order dated 28/07/2008, issued by Chief Conservator of Forest.

6. As such, it can be said that the order setting aside the order dated 28/07/2008 was maintained by the Tribunal.

7. The petitioner, however, despite this, acted upon the same and denied the benefits of five increments which prompted the respondent to approach the Maharashtra Administrative Tribunal by filing the original application No. 798/2021. The same is allowed. Hence

this petition.

8. In view of the fact that the order dated 28/07/2008 was set aside by the Additional Principal Chief Conservator of Forest vide order dated 20/03/2013. The said order is non-existent and therefore, it cannot be implemented to deny the five increments to the respondent.

9. In the circumstances, we do not find any error committed by the learned Tribunal in granting annual increments to the respondent for the period 2009 to 2013, along with interest. In that view of the matter, the writ petition is dismissed.

JUDGE

JUDGE

Jayashree..