

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 650/2023 (D.B.)

- 1) Ritesh Nagorao Bhongade,
about 53 Years.,
Occu. Service Range Forest Officer,
r/o Zopate Building Kirshna Nagar,
Bachlar Road, Wardha.
- 2) Pravin Nihalsing Naik,
Aged 49 years.
Occu. Service Range Forest Officer,
Social Forestry Range, Khat Road,
Near Balaji Lawn,
Bhandara, 441904.
- 3) Abhay Sharad Talhan,
Aged 48 Occu. Service Range Forest Officer,
Talegaon Thasil Ashti Distict Nagpur.
- 4) Manoj Krushnarao Gadve,
Aged 52 years, Occu. Service,
Range Forest Officer,
Near Panchayat Samity, Main Road, Goregoan,
Taluka Goregaon, District Gondia.
- 5) Ashish Suresh Ninave,
Aged about 40 Years.,
Occu. Service Range Forest Officer,
C.C.F. office Nagpur. District Nagpur.
- 6) Manoj Diagmbar Mohite,
Aged about 47 years,
Occu. Service Range Forest Officer,
Nakadongari , Tahasil Tumsar,

District Bhandara 441907.

- 7) Ravindra Murlidhar Ghadge,
Aged about 50 Years,
Occu., Service Range Forest Officer,
Opposite Income Tax Office,
Seminary Hills, Nagpur.
- 8) Fareedurraheem Abdul Azmi,
Aged 44 years, Occupation Service,
Range Forest Officer,
Dr. Babasaheb Ambedkar Chowle,
Near Water tank, Khamgaon Road,
Kudwa, Gondia Dist - Nagpur.
- 9) Nilay Sureshrao Bhoge,
Aged about 49 yrs,
Occu. Service. Range Forest Officer.
Prasidhi and Mahiti,
Adhikari, (Vane), Van bhawan,
Civil lines Nagpur.
- 10) Pramod Madhukar Wade,
Aged about 46 years, Occu. Service,
Range Forest Officer,
Buttibori Range, Butibori, Nagpur.

Applicants.

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Forest, Revenue and Forest Department,
4th Floor, Mantralaya, Mumbai - 400032.
- 2) The State of Maharashtra,

through its Secretary,
General Administration Department,
Mantralaya, Mumbai. 400032.

- 3) Principal Chief Conservator of Forest, (Hoff)
Van Bhavan Ramgiri Road,
Near Police Gymkhana,
Civil Lines, Nagpur. 440001.
- 4) Additional Principal Chief Conservator of Forest,
Research, Education and Training,
Vanbhavan 2nd Floor, Bhamburda,
Van Vihar, Gokhale Nagar, Pune 411016.
- 5) Chief Conservator of Forest,
Research, Education and Training,
3RD Floor, New PMT Building,
Shankarshet Road, Swargate, Pune.

Respondents

Shri Abhay Sambre, Id. Counsel for the applicants.

Shri S.A.Sainis, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated :- 15.12.2023.

JUDGEMENT

Heard Shri Abhay Sambre, Id. counsel for the applicants and
Shri S.A.Sainis, Id. P.O. for the Respondents.

2. The regular Division Bench is not available. The Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai issued Circular No.MAT/MUM/JUD/469/2023, dated 24/04/2023. As per the direction of Hon'ble Chairperson, if both the parties have consented for final disposal, then regular matter pending before the Division Bench can be disposed of finally.

3. As per the M.A.T., Principal Bench, Mumbai office order / letter No.MAT/MUM/JUD/1350/2023, dated 21/11/2023, the Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai has given direction to this Tribunal to decide the Division Bench matters if the matter is covered by the Judgments of Hon'ble Supreme Court, Hon'ble High Court and the Benches of the M.A.T. etc. Both parties consented for final disposal. Hence, the O.A. is decided finally.

4. Case of the applicants is short is as under-

The applicants have challenged the decision taken by Chief Conservator of Forest dated 31.05.2023. Thereby directing the applicants and others to attend the training of promotional post. The said issue on the basis of Notification dated 02.02.2022. Applicants are also challenging the wrong interpretation of Notification, and prayed to declare that training has to be completed within one year for promotion as a Range Forest Officer. The applicants are promoted on the post of Range Forest Officers in the years 2011, 2014, 2016 and 2017 before

granting promotion on the post of Range Forest Officers. Rule 22 are called as Maharashtra Government Servants Rule 22 which is made applicable to the various Range Officers in all departments. However, the same is not applicable to the Officer appointed before 02.02.2022.

5. It is submitted that Rule dated 02.02.2022 shall not be applicable retrospectively. Therefore, the applicants challenged the decision of the respondents by which they are directed to complete the training period of 45 days. As per the old Rules they have to complete training of two weeks. The applicants were directed to remain present for training of 45 days and it is contrary to the Notification and Rules. Therefore, the applicants approached to this Tribunal for the following reliefs-

i) Quash and set aside the action of the respondents in holding that Notification dated 02/02/2022 at Annexure-A-2 is not applicable with retrospective effect and in alternatively this Hon'ble Tribunal hold that the same is applicable to the old RFO promoted before 2/2/2022 the said clause be quashed and set aside.

ii) Quash and set aside the letter dt. 31/5/2022 Annexure-A-1 thereby the respondents have decided to implement the Notification dt. 2/2/2022 which is not applicable with retrospective effect.

6. The O.A. is strongly opposed by the respondents. It is submitted that policy decision is taken to send the promotee officers for training of 45 days.

7. During the course of arguments, the learned counsel for the applicants have pointed out Notification dated 02.02.2022 and submits that this Notification cannot be made applicable retrospectively. He has also pointed out the Government G.R. dated 23.09.2011 and submitted that as per this G.R., the training period for promotees on the post of Range Forest Officer is of only for two weeks. There is no such Rule to show that the training period should be 45 days. Hence, prayed to allow the O.A..

8. The learned P.O. has submitted that policy decision is taken by Chief Conservator of Forest to give more training and make the Officer more efficient and, therefore, the impugned order dated 08.06.2023 cannot be quashed and set aside.

9. The respondents have challenged the order dated 31.05.2023. From the perusal of this order, it is not based on any G.R. or Rule / Notification etc. Notification dated 02.02.2022 is very much clear. It cannot operate retrospectively. Those who are appointed before the Notification dated 02.02.2022 cannot be sent for training of 45 days, more over this Notification nowhere states that the training period should be 45 days. Only it shows that the training should be completed

within 1 year from the date of appointment/promotion. The Government G.R. dated 23.09.2011, clearly shows that the training period is of only two weeks. The respondents have issued the impugned order without going through the Rules and G.R. and, therefore, sending the applicants/Officers (Range Forest Officers) for a period of 45 days is not legal and proper. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. It is hereby declared that the Notification dated 02.02.2022 is not applicable retrospectively. It is not applicable to the R.F.O. who was promoted before 02.02.2022.
3. The order issued by respondent no.5 dated 31.05.2023 directing the applicants and others similarly situated employees to complete the training of 45 days training is hereby quashed and set aside. It is hereby declared that as per Notification dated 22.09.2022, training period is only for two weeks.
4. The direction of respondents to send the applicants and other Officers for 45 days is contrary to the Notification dated 23.09.2011 and 22.09.2022 (P.57).

5. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 15/12/2023.
rsm.

True Copy


Assistant Registrar / Research Officer
Maharashtra Administrative Tribunal
Nagpur