

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.351 OF 2024**

**DISTRICT : PUNE**

**SUB : Suspension**

Smt Kalyani Ramdas Godase , )  
Aged 35 Years, Working as Range Forest )  
Officer (under Suspension), at Daund, )  
Pune Forest Division, Pune. )  
R/o. Vyankatesh Nagar, Indapur, )  
District Pune. )... **Applicant**

**Versus**

The Chief Conservator of Forest, )  
(Territorial), Pune, having office at )  
Vanbhavan, Bhamburda, Vanvihar, )  
Gokhale Nagar, Pune 16. )....**Respondents**

Shri A. V. Bandiwadkar, learned Advocate for the Applicant.

Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondent.

CORAM : Hon'ble Shri M. A. Lovekar, Hon'ble Member (J)

Reserved on : 24.07.2025

Pronounced on : 25.07.2025.

**JUDGEMENT**

Heard Shri A. V. Bandiwadkar, learned Advocate for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondent.

2. The Applicant holds the post of R.F.O. She has challenged order of her suspension dated 09.02.2024 passed by the Respondent, Chief Conservator of Forest (Territorial), Pune primarily on the ground that he lacked competence to pass it. Said

order was passed in contemplation of initiation of departmental inquiry.

3. In support of her case the Applicant has relied on 2 judgments of Nagpur Bench of this Tribunal dated 17.06.2025 and 09.07.2025 in O.A. Nos.231/2025 and 482/2025, respectively. In both these O.A.s the Applicants were holding the post of R.F.O. The Applicant in the former O.A. was placed under suspension by Conservator of Forest (Territorial), Nagpur whereas the Applicant in the latter O.A. was placed under suspension by Chief Conservator of Forest, Chandrapur. While allowing these Original Applications Nagpur Bench of this Tribunal held that these authorities lacked competence to suspend the Applicants. While arriving at this conclusion Nagpur Bench relied on the Judgment of this Bench dated 29.10.2024 in O.A.No.547/2024.

4. Rule 4(1) of the Maharashtra Civil Services (Discipline and Appeal ) Rules,1979 reads as under-

*“4(1) The appointing authority or any authority to which the appointing authority is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Governor by general or special order may place a Government servant under suspension.”*

5. Nagpur Bench held that the Authorities who had passed order of suspension lacked competence to do so as they were neither the Appointing Authority nor the Disciplinary Authority nor was there anything to show that they were empowered in that behalf by the Governor.

6. Before Nagpur Bench the department sought to rely on Rule 6 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 relevant part of which reads as under-

**“6. Disciplinary authorities** - (1) The Governor may impose any of the penalties specified in Rule 5 on any Government servant.

(2) Without prejudice to the provisions of sub-rule (1), Appointing Authorities may impose any of the penalties specified in Rule 5 upon members of (Group C) and (Group D) Services serving under them, whom they have power to appoint:

Provided that the Heads of Offices shall exercise the powers of imposing minor penalties on the [Group C) and [Group D) Government servant under their respective administrative controls:

Provided further that Heads of Departments and Regional Heads of Departments shall exercise the powers of imposing minor penalties only in relation to Government servants of State Service (Group B) under their respective administrative control.

[Provided also that, the Heads of Departments shall exercise the powers of imposing minor penalties only in relation to Government servants of State service (Group 'A') under their administrative control who draw Grade pay Rs. 6600 or less, excluding those who were sanctioned a pay-scale of Rs. 10,650-15,850 in the unrevised pay-scales.]

(3)... ”

7. While dealing with this submission of the department Nagpur Bench observed in both the O.A.s -

“Ld. C.P.O. resisted this Original Application by attracting our attention to Rule 6 (2) of The Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 in particular to the first proviso added to the Rule 6 (2). It provides that Head of the office can exercise the power of imposing minor penalty. In that line, it is submitted that Conservator of Forest is the Head of Office who can

impose minor penalty meaning thereby it includes the power of suspension. In response to said submission, ld. counsel for the applicant has attracted our attention to paras 23 & 24 of the decision of Principal Bench of the Maharashtra Administrative Tribunal, Mumbai decided on 29.10.2024 in **O.A. No. 547/2024** in case of **Rajendra Dattatray Ghunkikar Vs. State of Maharashtra and Ors..** In the said decision, Tribunal has negated the said argument by stating that Head of the Office has no Authority unless the powers are delegated by Governor by Special or General Order. We see no reason to deviate from the view expressed in the said decision.

8. It was submitted by learned C.P.O. that in **Ghunkikar's** case (supra), who was holding the post of R.F.O. the impugned order of suspension was passed by Deputy Conservator of Forest who was held to be not possessing competence to pass the same and this is a distinguishing feature. In the cases before Nagpur Bench the orders were passed by Conservator of Forest (Territorial) and Chief Conservator of Forest. In the instant case the impugned order is passed by Chief Conservator of Forest (Territorial), Pune.

My attention was invited by learned C.P.O. to Maharashtra Civil Services (General Conditions of Services) (Amendment) Rules, 2017. Said Notification states -

**“Appendix II**  
[See rule 9(22)]

List of Officers who are to be deemed as “Heads of Departments” for the purpose of various sets of the Maharashtra Civil Services Rules.

|    |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17 | Revenue and Forest Department | 1. Secretary to Government.<br>2. Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune.<br>3. Settlement Commissioner and Director of Land Records, Maharashtra State, Pune.<br>4. All Divisional Commissioners.<br>5. All Collectors.<br>6. President, Maharashtra Revenue Tribunal, Mumbai.<br>7. Superintendent of Stamps, Mumbai.<br>8. All Chief Conservator of Forest, Forest Department.<br>9. All Conservator of Forest, Social Forestry, Forest Department. |
|----|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

It was contended that aforequoted portion of Notification will clearly lead to the conclusion that Chief Conservator of Forest was competent to pass order of suspension of R.F.O.as was done in this case.

9. Nagpur Bench held that this Bench had negated the contention of the department and held that unless powers were delegated by the Governor by special or general order Head of the Department who was empowered to impose minor penalty, lacked competence to pass order of suspension. While arriving at this conclusion Nagpur Bench adverted to observations made in Paras 23 and 24 of Judgment of this Bench in **Ghunkikar** (supra). By applying this ratio instant O.A. deserves to be allowed. It is accordingly allowed. The impugned order of suspension of the Applicant is quashed and set aside. The Respondent shall pass

consequential order within 10 days from today. No order as to costs.

Sd/-  
**( M. A. Lovekar)**  
**Vice-Chairman**

Place: Mumbai

Date: 25.07.2025

Dictation taken by: V. S. Mane

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