

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.315 OF 2023

**DISTRICT : Nashik
SUB : Suspension**

Shri Chandrakant Damodar Kasar,)
Age -52 years, Working as Range Forst Officer,)
(now under suspension), Nandgaon (T),)
Dist. Nashik, R/o. Forest Quarter, A/P/T/)
Nandgaon, Dist. Nashik.)....**Applicant**

V/s

The Deputy Conservator of Forest, East Division)
Nashik, having office at opp. Sharanpur Police)
Chowky, Trymbak Road, Nashik 2.).....**Respondent**

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

Shri A. J. Chougule, learned Presenting Officer for the Respondent.

CORAM : Hon'ble Shri M. A. Lovekar, Hon'ble Vice-Chairman

Reserved on : 13.02.2025

Pronounced on : 31.07.2025

JUDGEMENT

Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondent.

2. In this O.A. the Applicant who holds the post of R.F.O. has impugned order of his suspension dated 13-01-2023 passed by the Respondent in contemplation of initiation of departmental inquiry on the ground of competence of the latter.

3. Stand of the Respondent is as follows. In previously held departmental inquiry in which charge-sheet was issued under Rule 10 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 punishment of withholding of one increment without cumulative effect has been imposed on the Applicant by order dated 04-11-2022. The departmental inquiry which was contemplated while passing the impugned order has been initiated against the Applicant by issuing charge-sheet dated 23-04-2023. A conjoint consideration of Rules 4(1) and 6(2) of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 will show that the Respondent was competent to pass the impugned order.

4. The issue involved in the O.A. i.e. whether the Respondent was competent to pass the order of suspension of the Applicant who holds the post of R.F.O. has been dealt with by this Bench as well as Nagpur Bench of this Tribunal in following Original Applications :-

- (1) (Rajendra D. Ghunkikar V/s Dy. Conservator of Forest (T), Sindhudurg) in O.A.547/2024, dated 29.10.2024
- (2) (Kalyani R. Godase V/s Chief Conservator of Forest, Pune) in O.A.351 of 2024, dated 25.07.2025
- (3) (Anil B. Bhagat V/s State of Maharashtra & 2 Ors.) in O.A. No.231/2025, dated 17.06.2025
- (4) (Suresh D. Yelkewad V/s. State of Maharashtra & Anr.) in O.A.No.482/2025 in O.A.No.482/2025, dated 09.07.2025

5. Rules 4(1) and 6 of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 read 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.”

“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)... ”

6. In addition to these Rules the Tribunal also considered Notification issued under 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. 2. Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune. 3. Settlement Commissioner and Director of Land Records, Maharashtra State, Pune. 4. All Divisional Commissioners. 5. All Collectors. 6. President, Maharashtra Revenue Tribunal, Mumbai. 7. Superintendent of Stamps, Mumbai. 8. All Chief Conservator of Forest, Forest Department. 9. All Conservator of Forest, Social Forestry, Forest Department.
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7. In the above referred judgments this Tribunal has held that under Rule 4(1) of Rules of 1979 powers to pass order of suspension are exercisable only by the Appointing Authority, Disciplinary Authority or the Authority who has been empowered in that behalf by the Governor and in the absence of such empowerment Head of the Office who is competent to pass order imposing minor punishment, is not competent to pass order of suspension. In view of this legal position the O.A. is 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: 31.07.2025

Dictation taken by: V. S. Mane

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