

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH [Spl/MAT/F-5/E]

NO.MAT/MUM/JUD/ 1603 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : -6 MAY 2016

M.A. No. 180/2016 IN O.A. No. 272/2016.
(Sub:-Reinstatement)

- 1 Sub Divisional Officer, Ajara-Bhudargad Sub-Division, At. Gargoti,
Tal. Bhudargad, Dist. Kolhapur.

...APPLICANT/S (Ori. Resp. No.3)
VERSUS

- 1 Sau. Swati H. Desai,
R/o. At. Salpewadi,
Post. Fanaswadi, Tal. Bhudargad,
Dist. Kolhapur. (Ori. Appli.)
3 Collector, Nagala Park, Kolhapur.
(Ori. Resp. No. 2)
- 2 Secretary, Revenue Department
Mantralaya, Mumbai.
(Ori. Resp. No. 1)

.....RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the **03rd** day of **May, 2016** has made the following order:-

APPEARANCE : Shri K.B. Bhise, P.O. for the Applicant (Ori. Resp. No.3)
(Ori. Resp. Nos. 1 & 2)
Shri K.R. Jagdale, Advocate for the Respondent (Ori. Appli.).

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **03.05.2016.**

ORDER : Order Copy Enclosed/ Order Copy Over Leaf.

Amal
6/5/2016
Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

M.A.NO.180 OF 2016 IN

ORIGINAL APPLICATION NO.272 OF 2016

DISTRICT: KOLHAPUR

Sub Divisional Officer

.... Applicant No.3 (Org. Respondent No.3)

Versus

1. Sau. Swati H. Desai ...Respondent (Org. Applicant)
2. Secretary Org. Respondent No.1
3. Collector Org. Respondent No.2

Shri K.B. Bhise, the learned Presenting Officer for the Applicant No.3 (Org. Respondent No.3), Org. Respondent No.1 and 2.

Shri K.R. Jagdale, the learned Presenting Officer for the Respondent (Org. Applicant)

CORAM : SHRI R.B. MALIK, MEMBER (J)

DATE : 03.05.2016.

ORDER

1. Heard Shri K.B. Bhise, the learned Presenting Officer for the Applicant No.3 (Org. Respondent No.3), Org. Respondents No.1 and 2 and Shri K.R. Jagdale, the learned Presenting Officer for the Respondent (Org. Applicant).
2. By this application prayer is made for modifying my order dated 21.03.2016. In paragraph 4 thereof it was recorded that

learned P.O. upon instructions from Shri Vishnu N. Butte, Naib Tahasildar of Gargoti, made a statement that till next date the post of Police Patil, Salpewadi, Tal. Bhudargar, Dist. Kolhapur would be kept vacant, that statement was accepted as an undertaking till next date.

3. According to the Applicant of this M.A. that statement was incorrect. After that order Shri V.N. Bhutte made enquiry from the office of Ajara- Bhudargad, Sub Division and he came to know that Miss Varsha S. Desai has in fact already been appointed as Police Patil of the said village on 18.03.2016. The copy of the said order of appointment is annexed hereto and I have perused it. Thereafter there were intra-department communication between the said Shri V.N. Bhutte and Respondent No.3 which aspect of the matter is not highly relevant for the present purpose.

4. Shri K.R. Jagdale, learned Advocate for the Original Applicant is present. He has not filed reply but I have heard his argument in extenso. It is no doubt true that if proper instructions were obtained, may be this confusion could have been avoided. However I must mention that I did not find anything to attribute, bad motives on the part of Shri V.N. Bhutte whose name has figured above and it seems that the statement made before this Bench was as a result bonafide and honest lapse arising out of the surname of the two ladies being the same. As far as this Bench is concerned no action shall be taken against the said Shri V.N. Bhutte. However, the Original Applicant has been placed under considerable difficulty.


5. It appears from the record that the above named Miss Varsha S. Desai has already filed intervention application in the form of



M.A.No.184 of 2016 which apparently is adjourned to 06.06.2016. In any case even the Original Applicant may have to implead her. In so far immediate relief to the Applicant is concerned I think it must be made clear that appointment of the said Miss Varsha S. Desai shall continue but would be subject to the ultimate out come of this O.A. either its final decision or even at any interim stage.

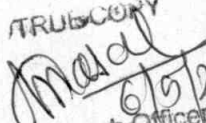
6. Consequent to the above order the above mentioned Shri V.N. Bhutte is discharged from the undertaking in O.A.No.272 of 2016.

7. With this M.A. No.180 of 2016 stands hereby disposed off with no order as to costs and O.A. stands adjourned to 06.06.2016.


(R.B. Malik)
Member(J)

3.5.16

prk

TRUE COPY

6/5/2016
Asst. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai