

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/189 /2016  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date : 15 JAN 2016

**M.A. No. 25/2016 IN O.A. No. 526/2014 With  
M.A. No. 26/2016 IN O.A. No. 526/2014 With O.A. No. 526/2014.**

1. Shri Santosh M. Jagtap, (M.A. No. 25 & 26/16 IN O.A. No. 526/14)  
R/at. Post Pandey, Tal. Karmala, Dist. Solapur-413 203.

....**APPLICANT/S.**

**VERSUS**

- 1 The State of Maharashtra, Through Principal Secretary, Home Dept., Having Office at Mantralaya, Mumbai-32.      2 The Superintendent of Police, Loh Marg, Byculla, Mumbai.

...**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 14<sup>th</sup> day of **January, 2016** has made the following order:-*

APPEARANCE : Shri G.A. Bandiwadekar, Advocate for the Applicant.  
Ms. N.G. Gohad, P.O. for the Respondents.

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

DATE : **14.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Armed  
15/1/2016*

**Research Officer,  
Maharashtra Administrative Tribunal,  
Mumbai.**

M.A. 25/2016 in O.A. 526/14

This is an application for amendment whereby the Applicant formally wants to challenge the order of termination dated 13.7.1999 which he has not done formally, as I have mentioned above in the OA.

I have perused the record and proceedings and heard Mr. G.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

Be it noted right at the outset that Ms. Gohad, the learned P.O. strongly urged that some time be given to her to file the Affidavit-in-reply. However, as would become clear as this discussion progresses, there is no point in protracting this MA.

The Applicant came to be appointed as Police Constable from the Sports quota. However, on the allegations that his claim was false, his services came to be terminated. Which termination was challenged in the OA wherein the prayer was made for reinstatement without a formal prayer for quashing the order above referred to. It is very clear in my view that all the ingredients seeking to challenge the said order are already there, and therefore, instead of insisting on technicalities, the application deserves to be straightaway allowed. It is accordingly allowed. The amendment as per the Schedule hereto including the prayer clause be effected within one week from today. A consolidated copy of the application after amendment be filed and a copy be furnished to the learned P.O. No order as to costs.

14/1/16

COM:

~~Hon'ble Shri RAJIV AGARWAL~~  
(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member) J

APPEARANCE:

Shri G.A. Bandiwadekar

Advocate for the Applicant

Shri N.G. Gohad

C.P.O. for the Respondents

order passed in  
the Tribunal's

order  
M.A. 25/16 is  
Allowed.

*[Signature]*

TRUE COPY

*[Signature]*  
15/1/2016

*[Signature]*  
(R.B. Malik)  
Member (J)  
14.01.2016

**M.A.26/2016 in O.A.526/14 with  
O.A.526/2014**

Heard Shri G.A. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

By consent, the OA itself can be disposed of, but for that formal orders will have to be made on MA 26/2016.

The OA has originally brought *inter-alia* seeks the relief of reinstatement of the Applicant as a Police Constable. It is not necessary to make any detailed observation, but it seems that the undoing of the Applicant was a pending prosecution which has now ended in his favour by an order of acquittal on 3.8.2012.

As far as the MA 26/2016 is concerned, directions are sought that the representations made by the Applicant be decided within a period of four weeks from today, whereby he wanted the authorities to consider the representation of the Applicant.

Hearing the rival submissions, it is clear that once this MA is allowed, the OA itself will have work itself out because in case the authorities were to agree with the Applicant and grant him relief, nothing more would survive, but in case, they decided against the Applicant, even then within the frame of this OA, he would not be in a position to bring his case for relief which he has sought. Further, this relief has been specifically

Office Notes, Office Memoranda of Court,  
Appearance, Tribunal's orders or  
directions and Registrar's orders

Tribunal's orders

sought in prayer clause (b). That being the state of affairs, the MA 26/2016 is allowed and the Respondents are directed to dispose of the pending representation of the Applicant and also the report of the Respondent No.2 dated 12.5.2014 made to the Respondent No.1 within a period of four weeks from today and the result thereof may be communicated to the Applicant within one week thereafter.

This order having been made, the OA is disposed of with no order as to costs with liberty to the Applicant to take recourse to the legal remedy in case he remained still aggrieved by the order of the Respondents.

5/1/2016  
(R.B. Malik)  
Member (J)  
14.01.2016

(skw)

TRUSCOPY  
15/1/2016  
Asst. Registrar / Research Officers  
Muzaffargarh Administrative Tribunal  
Muzaffargarh

~~NO:~~ 14/1/16

~~GRAM:~~

~~Hon'ble Shri. RAJIVAGARWAL~~  
~~(Vice-Chairman)~~

~~Hon'ble Shri. R. B. MALIK (Member) J~~

APPEARANCE:

~~Shri. G. A. Bhandari~~

Advocate for the Applicant

~~Shri. N. A. Gohad~~

~~C.P.O. for the Respondents~~

Order passed in  
the Tribunal's

~~Adj. 14~~

~~code~~

M.A. 26/16 is Allowed  
and O.A. 526/14 is  
disposed of.  
Reply filed in  
O.A. 526/14.