

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION 1209 OF 2013**

**DISTRICT : MUMBAI**

Shri Prakash Bhikaji Manchekar, )  
Working as Assistant Superintendent )  
of Consumer Disputes Redressal Forum )  
Mumbai Suburban District, )  
Administrative Building, 3<sup>rd</sup> floor )  
Near Chetna College, Bandra [E], )  
Mumbai 400 051. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through Principal Secretary, )  
Food, Civil Supply and Consumer )  
Protection Department, having )  
Office at Hutatma Chowk, )  
Madam Cama Road, Mantralaya, )  
Mumbai 400 032. )
2. The Controller of Legal Metrology, )  
Maharashtra State, Mumbai. )  
[Appointing Authority], )

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- Having office at Government )  
 Barrack No. 7, F.P Journal Marg, )  
 Mumbai 400 021. )
3. Smt A.A Kamat, )  
 Superintendent, )  
 State Consumer Disputes Redressal )  
 Commission, Maharashtra, )  
 Mumbai. )
4. Smt Smita V. Shirsat )  
 Superintendent, )  
 Office of the Controller of Legal )  
 Metrology, M.S, Mumbai )  
 [Appointing Authority], )  
 Having office at Government Barrack) )  
 No. 7, F.P Journal Marg, )  
 Mumbai 400 021. )...**Respondents**

Shri C.T Chandratre, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**Shri R.B. Malik (Member) (J)**

**DATE :15.06.2016**

**PER : Shri R.B. Malik (Member) (J)**



**ORDER**

1. Heard Shri C.T Chandratre, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. This Original Application can be disposed of on a short and important point and is therefore taken up for final disposal.

3. We have perused the record and proceedings. The Applicant brought the Original Application seeking promotion to the post of Superintendent in the office of Respondent no. 2, Controller of Legal Metrology. It appears that he has also taken exception to the order whereby his services came to be transferred to the Consumer Dispute Redressal Forum.

4. However, as indicated hereinabove, at this stage it is not necessary for us to closely examine the facts. Mr Chandratre, learned advocate for the Applicant invites our attention to a communication from the State Government, Respondent no 1 to 2, Controller of Legal Metrology dated 2.1.2013.

5. We have carefully perused that particular communication and we find therein that the Applicant has been moving the Government as on that particular



date. Respondent no. 2 was already directed by the Government to take appropriate decision in the matter under intimation to the Government. However, the said authority (Respondent no. 2) apparently was not responding, and therefore that authority was directed to forthwith comply therewith. However, now that more than 3 ½ years have elapsed the things stand where they were. Shri Chandratre submits that an appropriate decision in that regard will be in any case necessary because in the event of favourable move the applicant would have achieved what he has been longing for.

6. In the ultimate analysis we are of the opinion that we should give appropriate direction laying down outer time limit for compliance and then only the Applicant would be able to know his place such as it is so as to take any decision considered appropriate in the matter.

7. This Original Application is therefore disposed of with a direction to Respondent no. 2 to take a proper decision on the communication dated 2.1.2013 referred to hereinabove and submit the same to the Government within two weeks from today.

8. The Government, then shall take appropriate decision thereabout within two months from the receipt thereof and convey to the Applicant the outcome thereof



within one week. It is made clear that we have not rendered decision in the matter of contention herein and all points are left open. No order as to costs.

Sd/-  
**(R.B. Malik)**  
**Member (J)**

Sd/-  
**(Rajiv Agarwal )**  
**Vice-Chairman**

**Place : Mumbai**  
**Date : 15.06.2016**  
**Dictation taken by : A.K. Nair.**

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