Thanks.

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/2812/2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 3 AUG 2016

ORIGINAL APPLICATION NO. 209 OF 2015.
(Sub :- Promotion)

1 Shri. Raosaheb S. Vichare,
R/at. Adenwala Compound, Bldg. No. 3, Room No. D/5, Parel, Mumbai-12.
.....**APPLICANT/S.**

VERSUS

1 The State of Maharashtra, Through The Addl. Chief Secretary, Home Dept., Mantralaya, Mumbai-32.

2 The D.G. P., State of Maharashtra, S.B. Marg, Mumbai-32.

3 The Commissioner of Police, Opp. Crawford Market, Mumbai-01.

4 Shri. Laxman M. Wayal, P.I., (Now Retd.), R/at. 28, Officers Quarters, Ground Floor, R. No. 4, Dadoji Kondadeo Road, Byculla(E), Mumbai-400 027.

...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 **02nd** day of **August, 2016** has made the following order:-

APPEARANCE : Shri. A.R. Joshi, Advocate for the Applicant.
Shri. A.J. Chougule, P.O. for the Respondents.

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**
HON'BLE SHRI R.B. MALIK, MEMBER (J).

DATE : **02.08.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

3/8/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

MUMBAI

of 20 DISTRICT

..... Applicant/s

versus

The State of Maharashtra and others

..... Respondent/s

anda of Coram, s orders or ral's orders	Tribunal's orders
	O.A.209/2015 **Shri R.S. Vichare ... Applicant** **Vs.** **The State of Mah. & ors. ... Respondents**

This OA made by an API, who has now retired sought the relief of promotion and certain ancillary reliefs. A very detailed statement of facts may not be necessary now.

We have perused the record and proceedings and heard Shri A.R. Joshi, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

The Applicant retired as API on 30.4.2015. On 19.5.2009, he got embroiled in a criminal case under the various provisions of the Prevention of Corruption Act. He had been arrested and he was then placed under suspension on that very day. He continued to be under suspension till 23rd December, 2013. He was prosecuted vide ACB Special Case No.11/2010 (The State of Maharashtra Vs. Raosaheb S. Vichare and 2 others). By the Judgment and order dated 23rd February, 2013, the learned Special Judge was pleased to acquit all the accused including the present Applicant and it is common ground that no appeal thereagainst has been preferred, and therefore, that order of acquittal became final and binding.

In the meanwhile, a DE got started on 23.8.2013. It was dropped on 1.3.2014, but on somehow or the other, the DE started on 5.6.2014 and ultimately, some minor punishment was proposed which aspect of the matter need not now detain us much. We have mentioned that fact because in the Affidavit-in-Sur-rejoinder filed on behalf of the Director

[P.T.O.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or Directions and Registrar's orders	Tribunal's orders

General of Police – Respondent No.2 on 4.4.2016, in Para 11 as well as Para 15, it has been made clear that no enquiry was pending against the Applicant and the case of the Applicant was placed before the DPCs for the year 2013-14 and 2014-15. He was found fit therein. Therefore, the Office of the 2nd Respondent was sending a proposal to the State Government for grant of deemed date of promotion to the Applicant as per Rule 32 read with Rule 4 of the Maharashtra Civil Services (General Conditions) Rules, 1981.. The Government is the competent authority to grant such deemed dates. It was further pleaded that the 2nd Respondent needed to be given some time to submit a proposal to the State Government in that regard after the retirement of the Applicant and take a proper decision in the matter. The learned P.O. Shri Chougule informs that to his information, the proposal has been submitted to the Government. We dispose of this OA with direction that if the proposal has not been so far submitted by the 2nd Respondent to the Government, it be submitted within two weeks from today and thereafter, the Government may take a proper decision thereon within six weeks and communicate to the Applicant the outcome thereof within one week. No order as to costs

DATE: 2/8/16

Coram: Shri. RAJIV AGARWAL
(Vice - Chairman)
Shri R. B. MALIK (Member) J

ORDER:

Shri A.R. Joshi
Counsel for the Applicant
Shri A.J. chougule
P.O. for the Respondents

O.A. is disposed of.

sd/- 08.16 sd/-

(R.B. Malik)
Member (J)
02.08.2016

(Rajiv Agarwal)
Vice-Chairman
02.08.2016

(skw)

TRUE COPY
3/8/2016
Asstt Registrar/Research Officer
Maharashtra Administrative Tribunal
Mumbai