

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/2245 /2016  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date : 30 JUN 2016

**ORIGINAL APPLICATION NO. 489 OF 2015.**  
**(Sub :- Promotion)**

- 1 Shri Narayan V. Kale,  
Add. 87, Mallikarjun Nagar, Hature Vasti, Behind Air Port, Hotgi Road,  
Solapur.

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

**VERSUS**

- |   |  |
|---|--|
| 1 State of Maharashtra, Through<br>Chief Secretary, Mantralaya,<br>Mumbai-32.   | 2 The Principal Secretary, Revenue &<br>Forest Dept., Mantralaya, Mumbai-32  |
| 3 Settlement Commissioner &<br>Director, Land Records, M.S., Pune<br>New Admini. Bldg., 1 <sup>st</sup> Floor,<br>Behind Council Hall, Pune-01. | 4 Deputy Director, Land Records,<br>Pune Region, New Admini. Bldg., 1 <sup>st</sup><br>Floor, Behind Council Hall, Pune-01 |

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

- APPEARANCE : Smt. Punam Mahajan, Advocate for the Applicant.  
Shri. K.B. Bhise, P.O. for the Respondents.
- CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**  
**HON'BLE SHRI R.B. MALIK, MEMBER (J).**
- DATE : **24.06.2016.**
- ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Malik*  
*30/6/2016*  
**Research Officer,**  
**Maharashtra Administrative Tribunal,**  
**Mumbai.**

⑧

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

**O.A.489/2015****Shri N.V. Kale****... Applicant****Vs.****The State of Mah. & ors.****... Respondents**

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

This OA seeks directions to be given to the Respondents to consider the Applicant for promotion to the post of Deputy Superintendent of Land Records which is a Group 'B' post. It is also prayed that the Applicant be allowed to undergo the minor punishment of stoppage of increment for one year on the said promotional post. The details of which is at Prayer Clause (a). It is not necessary to set out in great details the facts herein. A few salient factual feature would suffice. The Applicant is vying for being promoted to the post above mentioned. At present, he is working as Head Quarter Assistant at Radhanagari, Dist : Kolhapur. During the course of his service as far as the facts relevant hereto are concerned, he faced two departmental enquiries. As far as the first enquiry was concerned, a punishment was imposed on him of stoppage of two increments on 17.10.2011. That period and that punishment are both over now.

In the second DE, a punishment came to be imposed on 22<sup>nd</sup> May, 2015 whereby one annual increment was withheld for a period of one year without cumulative effect. It is clear that, that period would now come to an end on 30<sup>th</sup> June, 2016.

The Applicant was considered for promotion to the post mentioned above, however, in the DPC, his matter was ordered to

[P.T.O.]

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

Tribunal's orders

be placed in a sealed cover envelope because he was undergoing punishment. It is in this context that the relief aforesaid has been sought.

Shri Bhise, the learned P.O. told us that the appellate order had upheld the order of the disciplinary authority and that period is still current. In that sense, therefore, he would concede the claim of the Applicant.

However, it is very clear from the above discussion that now that the period is just about to come to an end, we can safely give a direction to at least open the sealed envelope and proceed further in the matter of promotion of the Applicant in so far as its consideration is concerned. A very detailed examination of the Rules, etc. is not necessary. However, even otherwise, if an employee was prepared to undergo punishment incurred while working on a particular post, on promotional post, there are provisions that allow this to be taken recourse to, and therefore, we are clearly of the view that the directions considered appropriate in these circumstances even if with a little moulding of relief can safely be given.

The Respondents are directed to open the sealed envelope and consider the case of the Applicant for promotion and if found fit to promote him to the post of Deputy Superintendent of Land Records. Compliance within two months from today. The OA is allowed in these terms with no order as to costs.

DATE: 24/6/16

CORAM:

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

Hon'ble Shri K. B. MALIK (Member)

APPEARANCE:

Shri/Smt. Pankaj Mahajan

Advocate for the Applicant

Shri/Smt. K. B. Bhise

CEO/P.O. for the Respondents

Adj. To O.A. is Allowed

[Signature] 24/6/16

(R.B. Malik) Member (J) 24.06.2016

(skw)

[Signature]

(Rajiv Agarwal) Vice-Chairman 24.06.2016

TRUE COPY

[Signature] 30/6/2016  
Asstt. Registrar/Research Officer  
Maharashtra Administrative Tribunal  
Mumbai.