

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 434 /2015
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : - 4 FEB 2016

**ORIGINAL APPLICATION NO. 807 OF 2014.
(Sub- Promotion)**

1. Shri. Shivdas A. Gaikwad,
Add. "Shiv Bharati" Survey No. 32/3/A, Utkarsh Society, Shelar Mala, Katraj,
Pune-411 046.

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

VERSUS

- 1 The State of Maharashtra, Through the Secretary, Home Department, Mantralaya, Mumbai-400 032.
2 The D.G.P., M.S., Mumbai.
3 Police Commissioner, Police Commissioner Office, Pune-411 001.

...**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 2nd day of **February, 2016** has made the following order:-*

APPEARANCE : Smt. P. Mahajan, Advocate for the Applicant.
Shri. A.J. Chougule, P.O. For the Respondents.

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

DATE : **02.02.2016.**

ORDER : Order Copy Enclosed/Order Copy Over Leaf.

Aravind
3/2/2016

Research Officer
Maharashtra Administrative Tribunal,
Mumbai.

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

M.A./R.A./C.A. No. _____ of 20____

J N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.807 of 2014</u></p> <p>Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2) Smt. Mahajan, Ld. Advocate placed on record an order dated 26.9.2014 published through police notice. The crux of the matter is that on the date of this order which is 26.9.2014 the applicant has been promoted as PSI. In fact that factual position is clearly admitted even by the Ld. PO and it has also been mentioned in the affidavit in reply filed on behalf of respondent no.2 on 29.10.2014 (para 3). The name of the applicant also appears at Sr. No.575 in the order dated 3.5.2014 of promotion Annexure A-2 page 12 of the OA. That being the state of affairs the OA in fact works itself out. Smt. Mahajan, Ld. Advocate insists on an order of deemed date being made by us here and now in ^{that} connection she invites attention to the fact that the applicant having been promoted on 3.5.2014 was actually not allowed to join till 26.9.2014. In this behalf although not inter-partes but there is an order of the Hon'ble High Court in W.Ps. No.8919, 8843 and 10817 of 2014 dated 12.1.2015 (DB). That order has for the first time been brought to our notice by the Ld. PO. There is no other document like copies of the writ petition etc. but there is a direction of maintenance of status quo in respect of the subject matter, until further orders. That is one reason why at the moment we are not so disposed as to give any direction with regard to the deemed date. In fact even otherwise the applicant has to exhaust that</p>

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

Tribunal's orders

DATE: 2/2/16

COMES:

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

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

APPEARANCE:

Shri/Smt. P. Anam Mahajan

Advocate for the Applicant

Shri/Smt. A. J. Chougale

C.P.O./P.O. for the Respondents

Order passed on the Tribunal's

Adj. R.

order.

O.A. is disposed off. Handlast.

Handwritten signature

remedy at the departmental level and, therefore, making it clear that liberty is reserved to the applicant to make representation for deemed date within one month from today and in case the applicant were to do so the respondents shall take a decision thereon within two months thereafter and convey the same to the applicant within one week. With these O.A stands disposed off with no order as to costs. Handlast.

Sd/- 2.2.16
(R.B. Malik)
Member (J)
2.2.2016

(sgl)

Sd/-
(Rajiv Agarwal)
Vice-Chairman
2.2.2016

TRUE COPY
Handwritten signature
3/2/16
Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai