

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/44) /2016  
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. 909 OF 2015.  
(Sub-Promotion)**

1. Laxmikant S. Joshi,  
R/o. 496, Flat No. 2, Rivera Apt., Model Colony, Shivaji Nagar, Pune-16.  
....**APPLICANT/S.**

**VERSUS**

- 1 The State of Maharashtra, Copy to be served through the P.O., M.A.T., Mumbai & 02 Ors.,  
2 The Addl. Chief Secretary, P.W.D., Mantralaya, Mumbai-32.  
3 The Addl. Chief Secretary, G.A.D. Mantralaya, Mumbai-32.

...**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 1<sup>st</sup> day of **February, 2016** has made the following order:-*

APPEARANCE : Shri V.P. Potbhare, Advocate holding for Shri A.S. Deshpande, Advocate for the Applicant.  
Ms. N.G. Gohad, P.O. for the Respondents.

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

DATE : **01.02.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Malik*  
*4/2/2016*  
Research Officer,  
**Maharashtra Administrative Tribunal,  
Mumbai.**

## FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

O.A. No.909 of 2015

Heard Shri V.P. Potbhare, learned Advocate holding for Shri A.S. Deshpande, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. This OA is disposed off on 29.1.2016. The deponent of the affidavit in reply dated 4.12.2015 in the disposed off OA No.909 of 2015, Smt. Mridula Sanjeev Deshpande, Under Secretary, Public Works Department is present. She tenders an affidavit dated 1.2.2016 in deference to our order in the OA. Shri N.K. Rajpurohit, the Ld. CPO, who had drafted that affidavit is not present. Miss Gohad, Ld. PO is holding for him. The affidavit filed today expectedly attributes a major lapse in the affidavit in reply to mistake and such other expressions are used. The deponent thereof Smt. Deshpande tenders unconditional apology which she has already shown in the affidavit also. Regardless of whatever course of action we adopt we must record that the seriousness of the matter is not dawned on both the sides. The casualness is writ large in the affidavit in reply. We have already indicated in the order that the affidavits really are the evidence in such matters and on such an important piece of material elementary fact of which department the deponent was working in has been wrongly mentioned. If this mistake had not been detected then it would have further compounded the tragedy and the record would have given very poor view.

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

Tribunal's orders

DATE: 11/2/16

CLERK:

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

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

APPEARANCE: V.P. Potbhare  
Notelling Pr. A.S. Deshpande

Advocate for the Respondent

Shri. M.C. Gohad

Chief D.O. for the Respondents

order passed in  
the Tribunal's

order.

*[Signature]*

3. However, as far as the point of punishment, if any, is concerned, the deponent submits that she has been recently promoted and she assures us that such a mistake shall not be committed again. In the ultimate analysis we must proceed on the basis that the repentance expressed is genuine. Recording our strong displeasure we accept the apology and treat the matter as closed. To be filed along with record and proceedings of the OA

*[Signature]* 1.2.16  
(R.B. Malik)  
Member (J)  
1.2.2016

(sgj)

*[Signature]*  
(Rajiv Agarwal)  
Vice-Chairman  
1.2.2016

TRUE COPY

*[Signature]* 11/2/2016

Asstt. Registrar / Research Officers  
Maharashtra Administrative Tribunal