[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 319 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 27 JAN 2016

ORIGINAL APPLICATION NO. 991 OF 2015.

1. Shri Sanjay V. Shintre,
R/at. Quarter No.5, European Police Officers Quarters, Seth Motishaha Lane, Opp. Jain Temple, Byculla(E), Mumbai-27.

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

VERSUS

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

2 The D.G. of Police, State of Maharashtra, Having office at Old Council Hall, M.S., Police H.Q., S.B. Marg, Colaba, Mumbai.

...**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 **25th** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri. R.G. Panchal, Advocate for the Applicant.
Shri N.K. Rajpurohit, C.P.O. for the Respondents.

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

DATE : **25.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

27/1/16

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

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

Tribunal's orders

O.A. No.991 of 2015

Heard Shri R.G. Panchal, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. This OA is being disposed off at this stage itself after hearing submissions of Shri Panchal, learned Advocate for the Applicant and Shri Rajpurohit, learned CPO for the Respondents.

3. The applicant at present is serving as Commandant, SRPF, Group-5, Daund, Pune. He is in the rank of Superintendent of Police (non cadre). The dispute arose when it came to forwarding the names of the eligible officers for induction into IPS cadre the name of the applicant was not considered apparently on account of his position in the list of seniority of Dy. SPs.

4. It is now not necessary for us to delve deep into the technical aspect that may not be necessary for the purpose of deciding this OA bearing in mind the actuality and practical aspect of the matter. It seems that the seniority list as in the year 2001 published in 2008 showed the position of the applicant at a place which was not in dispute even by him. In the list of seniority as on 1.1.2002 for which we are informed the provisional seniority list was published in the year 2005 was published in 2011, the name of the applicant was shown below 12 officers. One factual aspect raised by the applicant is that he was not duly informed thereabout in accordance with the rules. That is a disputed fact.

5. We are informed that by the time the matter came to be heard though quite expeditiously from the date the OA was instituted, the list has already been forwarded to the UPSC and Government of India. The GOI notification dated 5.1.2016 is placed before us today not by the respondents but by the applicant.

6. Now in the background of the above discussion it quite clearly appears to us that there is some mistake as far as the applicant's name in the seniority list is concerned. That mistake will have to be corrected at the

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

Tribunal's orders

level of Director General of Police and State and to that limited extent this Tribunal will be within its jurisdiction to give directions. Understandably though unacceptably submissions were made for longer time to first of all make sure if there was mistake and if there was one, to correct it. However, that luxury is something which we are unable to concede to the respondents. The matter will have to be expedited. It so happens that the change of placement of the applicant in the seniority list if at all it is to be made, may result in change of placement of others. We express no opinion thereabout nor do we find anything on facts. Therefore, even as the Ld. CPO may be justified in contending that those likely to be effected will have to be heard before any change if it is to be made is made. We are not so disposed as to grant time beyond one month from today and that is something which ultimately within the jurisdictional confines can be given by this Tribunal regardless to whatever may have been prayed for and whatever may have been mentioned by the contestant respondents.

7. This OA is hereby disposed off with a direction to the respondents to consider the case of the applicant for placement in the seniority list as on 1.1.2002 in accordance with the above referred observations within one month from today and make corrections if any are required to be made and inform its outcome to the applicant within a week thereafter. The parties are represented and, therefore, it is made clear that time begins to run immediately. No order as to costs. Hamdast.

sd/-
(R.B. Malik)
Member (J)
25.1.2016

sd/-
(Rajiv Agarwal)
Vice-Chairman
25.1.2016

(sgj)

TRUE COPY

27/1/16

Asst. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai