

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 580 OF 2015

DISTRICT : MUMBAI

Shri Rajendrasinh G. Pardeshi,)
Flat No. 15, Building No. 1,)
Police Quarters, Carter Road,)
Bandra [W], Mumbai 400 050.)...**Applicant**

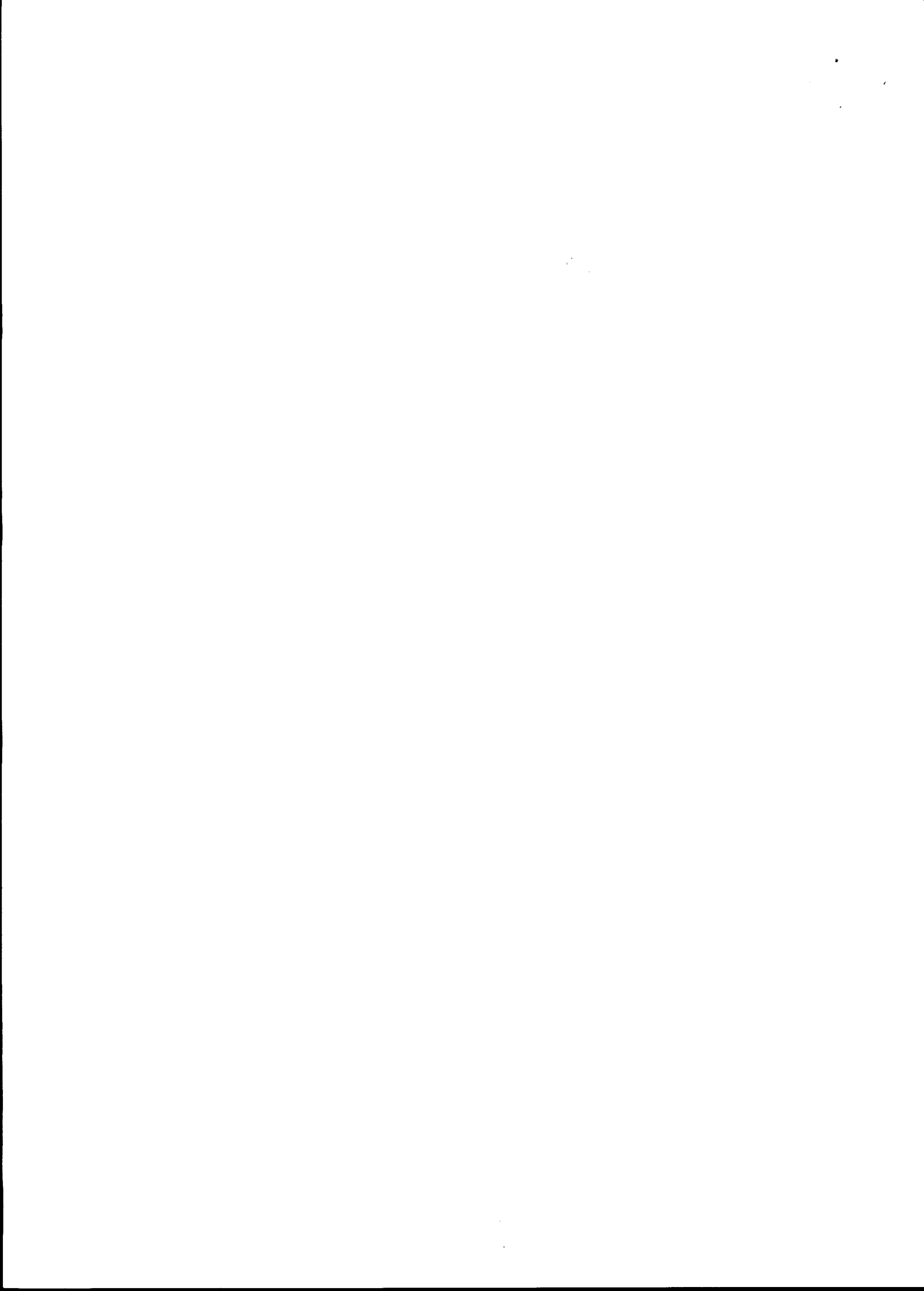
Versus

1. The Chief Secretary,)
State of Maharashtra,)
Mantralaya, Mumbai 400 032.)
2. Principal Secretary,)
Home Department, Mantralaya)
Mumbai 400 032.)
3. The Director General of Police,)
M.S, Shahid Bhagtsing Marg,)
Colaba, Mumbai 411 001.)...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicant.
Shri N.K. Rajpurohit, learned Chief Presenting Officer for
the Respondents.

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MISC APPLICATION NO 545 OF 2015
IN
ORIGINAL APPLICATION NO 580 OF 2015

The Principal Secretary,)
Home Department, Mantralaya)
Mumbai 400 032.)...Applicant
(Ori Respondent no.2)

Versus


1. Shri Rajendrasinh G. Pardeshi,))
Flat No. 15, Building No. 1,)
Police Quarters, Carter Road,)
Bandra [W], Mumbai 400 050)...**Respondent**
(Ori Applicant)
2. The Chief Secretary,)
State of Maharashtra,)
Mantralaya, Mumbai 400 032.)
3. The Director General of Police,)
M.S, Shahid Bhagtsing Marg,)
Colaba, Mumbai 411 001.)...(Ori Res. Nos 1 & 3)

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

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

DATE : 05.01.2016

PER : Shri R.B. Malik (Member) (J)



Shri N.K Rajpurohit, learned C.P.O for the Applicant (Ori. Respondent).

Mrs Punam Mahajan, learned advocate for the Respondent (Ori Applicant).

ORDER

1. Heard Mrs Punam Mahajan, learned advocate for the Applicant and Shri N.K. Rajpurohit, learned C.P.O for the Respondents.

2. This Original Application was heard and closed for orders. In the meanwhile, the learned Presenting Officer presented an application in effect asking for accommodation to argue the matter relying on a certain G.R for which the details were mentioned in his application. Another M.A no 545/2015 is pending herein filed by the Respondents for recalling the order imposing cost of Rs. 5000/- on the Respondent no. 2.

3. However, now in view of the most recent development that took place on 31.12.2015, it is not necessary for us to enter into any factual finding after elaborate discussion. It so happened that by an order dated 31.12.2015 issued by the Special I.G.P (Establishment) for the Director General of Police, the Applicant has been promoted as Assistant Commissioner

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of Police. We have retained on record a copy of the said order.

4. The Original Application seeks a direction to the Respondents no 2 & 3 to issue promotion order of the Applicant as A.C.P and further seeks an order for his posting in Mumbai Commissionerate because only one year and four months were left at that time for his retirement. A further prayer was made for consequential service benefits such as deemed date, arrears etc. That being the state of affairs for all purposes the Original Application has worked itself out. The only issue that remains is with regard to the order of posting of the Applicant. The learned C.P.O on instructions from Shri P.M. Balkavde, Section Officer, Home Department, Mantralaya, Mumbai, informs that the events so happened that within two weeks time the order of posting of the Applicant may be made. This statement is accepted and we are also of the view that preferably the said order should be made within that time.

5. In so far as the issue of deemed date etc, is concerned, we direct that if the Applicant makes an Application for the same, the same be decided within three months from the date on which the Application is received in the appropriate office.

A handwritten signature in black ink, consisting of a stylized 'M' and 'B' followed by a horizontal line.

6. With this, the Original Application is disposed of with no order as to costs. In so far as the Misc Application is concerned, it is not necessary for us now to make any detail discussion, although on an earlier occasion we had expressed our displeasure at the manner in which the events happened resulting into making of that order. However, having considered the submission of the learned C.P.O in the light of the record such as it is, we are so inclined as to accept the request and therefore, the order imposing cost is recalled. Learned C.P.O informs that the amount was not deposited. M.A is accordingly disposed of.

Sd/-

(R.B. Malik)
Member (J)

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai

Date : 05.01.2016

Dictation taken by : A.K. Nair.