

Thakur

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/4365/2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 30 NOV 2016

**ORIGINAL APPLICATION NO. 856 OF 2014.
(Sub :- Deemed Date Promotion)**

- 1 Shri Sudhakar D. Thakur,
R/o. C/o. Shri A.D. Patil, Plot No. 42, Sharda Nagar, Near Dhule Square,
Nandurbar.

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

VERSUS

- 1 The State of Maharashtra, Through the P.O., M.A.T., Mumbai Bench. 2 The Principal Secretary, Public Health Department, Mantralaya, Mumbai-32.
- 3 The Director of Health Services, St. Georges Dental Medical College Hospital Compound, Arogya Bhavan V.T., Mumbai-01. 4 The Deputy Director of Health Services (Transport), Kennedy Rd., Naidu Hospital Compound, Rly. Station Area, 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 28th day of **November, 2016** has made the following order:-*

APPEARANCE : Shri S.S. Dere, Advocate for the Applicant.
Shri A.J. Chougule, P.O. for the Respondents.

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

DATE : **28.11.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Anasal
30/11/2016

**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. 856/2014

Shri S.D. Thakur ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri S.S. Dere, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

This OA relates to the issue of promotion of the Applicant to the cadre of Health Equipment Maintenance Officer, General State Services, Class-II (to be hereinafter called the said post).

In fact, a very detailed account of events is not necessary to be narrated. It appears to be an indisputable factual position that the Applicant has been longing for the said promotion ever since the year 2004. We are told at the Bar that the DPC has not been convened from 2004. This factual aspect is not in dispute and as a matter of fact, no other challenge is thrown at the maintainability of this OA for any reason whatsoever.

It is absolutely clear, therefore, that it can by no stretch of imagination be countenanced that the DPC should not have been convened for more than a decade. The averments in that behalf having been made in Para 11 of the OA have not been traversed at all in the Affidavit-in-reply.

Although the prayer clause (c) *inter-alia* seeks deemed date of promotion from 2004, that relief cannot be granted now herein and that position in all fairness is again not disputed even by Mr. Dere, the learned Advocate for the Applicant. Therefore, regard being had to the inordinately long time taken even for convene DPC, we are of the opinion that appropriate time limit set down in disposing of this OA for the DPC to be convened and for considering the case of the Applicant for the promotion to the said post.

The present OA is allowed to the extent that the Respondents are hereby directed to convene the DPC for considering the promotion of the Applicant to the said post within a period of three months from today and convey to the Applicant the decision thereof within one week thereafter. No order as to costs.

DATE: 28/11/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. S.S. Dere

Advocate for the Applicant

Shri/Smt. A.J. Chougule

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

Adj. R. O.A. is disposed of.

skw
28/11/16
(R.B. Malik)
Member (J)
28.11.2016

skw
(Rajiv Agarwal)
Vice - Chairman
28.11.2016

(skw)

TRUE COPY

Masal
20/11/2016

Asstt. Registrar/Research Officer
Maharashtra Administrative Tribunal
Mumbai.