

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION No.866 of 2013**

**District : Mumbai**

Smt. Vidya Mahadev Yattam )  
Age : 58 years, Occ. Retired from Service )  
R/at. 4. Kamal Kunj, Gokhale Rd., North, )  
Dadar, Mumbai 28. ) ...Applicant

Versus

1. The Commissioner of Police, for )  
Greater Bombay, O/at. Crawford Mkt. )  
Near CST, Mumbai. )
2. The Deputy Commissioner of Police, )  
Headquarters 2, O/at. Crawford Mkt. )  
Near CST, Mumbai. )
3. The State of Maharashtra, through )  
Additional Chief Secretary, Home )  
Department, Mantralaya, Mumbai 32. ) .....Respondents

Shri K.R. Jagdale, Advocates for Applicant.

Smt Archana B.K., Presenting Officer for Respondents.

CORAM : SHRI R.B. MALIK (MEMBER-JUDICIAL)

DATE : 06.03.2017

**JUDGMENT**

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.

2. The learned P.O. is being instructed by Shri Milind Jadhav, Law Officer with Shri Chodnakar, Sr. Head Clerk.

3. This O.A. as initially brought is for deemed date of promotion. The impugned communications are dated 07.12.2012 and 16.01.2013. In the meanwhile another list has been published

where against the Applicant made a representation to the Police Commissioner on 04.01.2017. A copy thereof is placed on record.

4. The Applicant is present. Under her instructions, Shri K.R. Jagdale, the learned Advocate submits that the events covered in the O.A. and those covered as subsequent events by way of the representation above referred to are bound to overlap. He, therefore, makes a request under instructions of the Applicant that a fixed time limit be furnished for proper decision on the representation dated 04.01.2017 and this O.A. may be disposed of with necessary leave to file a fresh one on the same cause of action.

5. In my opinion, the proposition on behalf of the Applicant is quite reasonable in the context of the facts because if the O.A. has to be decided on the facts as they are mentioned therein the subsequent events will have been still left out of consideration and if the amendment was to be made based on subsequent events, the whole proceedings may become too vexed to be handled. I, therefore, accept the request on behalf of the Applicant and direct the Respondent No.1, the Commissioner of Police to decide the representation dated 04.01.2017 made by the Applicant.

6. The learned P.O. on instructions from Shri Milind Jadhav, Law Officer named above seeks one month time to comply.

7. The Original Application is hereby disposed of with direction to the Respondent No.1, the Commissioner of Police to decide the representation dated 04.01.2017 made by the Applicant within one month from today after giving an opportunity of being heard to the Applicant. The outcome thereof be communicated the Applicant within one week thereafter.

8. Original Application is disposed off with liberty to file a fresh one on the same cause of action. Hamdast.

Sd/-  
(R.B. Malik)  
Member (J)  
06.03.2017

