

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO. 308 of 2017

Shri Pramod Dattaram Chavan, )  
Aged about 51 years, Senior Clerk, )  
Office of Additional Commissioner of Police, )  
Special Branch I, CID, Mumbai. )  
and residing at 61, Transit Camp, )  
Khotgalli, Near Citylight Cinema, )  
Gopi Tank Road, Mahim, )  
Mumbai 400 016. ) ....Applicant

Versus

1. The Government of Maharashtra, )  
Through Additional Chief Secretary, )  
Home Department, Mantralaya, )  
Mumbai – 400 032. )
2. Commissioner of Police for Greater )  
Mumbai, having his office at )  
Crawford Market, Fort, Mumbai. )....Respondent s

Shri M.D. Lonkar, learned Advocate for the Applicant.

Smt. K.S. Gaikwad, the learned for the Respondents.

**CORAM :** Shri A.P. Kurhekar, Member (J)

**DATE :** 10.12.2018.

**ORDER**

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.
2. In present O.A., challenge is to the communication dated 22.2.2017 whereby the representation of the Applicant for deemed date of promotion has been rejected.
3. Learned Advocate for the Applicant pointed out that infact objection raised by the Pay Verification Unit was to be removed firstly and thereafter representation of the Applicant was to be submitted to the Government. He further pointed out that as per letter of Home Department dated 7.9.2015 (page no.42 of Paper Book) it was informed

to the Commissioner of Police that the objection of Pay Verification Unit was to be complied with thereafter proposal for deemed date of promotion needs to be submitted to the Government.

4. He has further pointed out that the objection raised by the Pay Verification Unit has been removed as seen from the letter dated 7.11.2016 issued by office of Police Commissioner, Mumbai which is at page no.58 of Paper Book.

5. Now in view of the removal of objection of Pay Verification Unit, Respondent No.2 is now required to submit proposal to the Government as directed in the letter dated 7.9.2015. However, this seems not done and therefore the Applicant has approached this Tribunal.

6. Learned Advocate for the Applicant submitted that the Applicant would submit detailed representation to the Commissioner of Police –Respondent No.2 so that steps be taken by the Respondent No.2 as necessary in view of letter dated 7.9.2015 and in turn, Respondent No.2 has to submit the proposal to the Government, if found entitled.

7. Learned P.O. for the Respondents has no objection for this exercise. At this juncture, material to note in impugned communication dated 22.2.2017, it is mentioned that the letter dated 7.9.2015 is not at all received by the office of Commissioner of Police. Therefore it appears that impugned order has been passed without considering the letter dated 7.9.2015 which is material in the present matter whereby it was informed to the Police Commissioner that the proposal be submitted afresh after removal of objection raised by the Pay Verification Unit.

8. In view of the above, it will be appropriate if the present O.A. is disposed of with following directions:-

- (a) The Applicant shall submit proposal along with the necessary documents to the Respondent No.2 within two weeks from today.
- (b) On receipt of the proposal from the Applicant, the Respondent No.2 to consider it on its own merit and if the Applicant found entitled shall submit the proposal to the Government in terms of letter dated 7.11.2016 within three months from receipt of representation made by the Applicant as stated above.

- (c) Respondent No.2 shall communicate decision on the representation of the Application, as case may be, to the Applicant.
- (d) With these directions, Original Application is disposed of. No order as to costs.

**(A.P. Kurhekar)**  
**Member (J)**

sba