

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**REVIEW APPLICATION NO. 15 OF 2022
IN
ORIGINAL APPLICATION NO 770 OF 2021**

DISTRICT : THANE

1. The Director General & Inspector)
General of Police, M.S, Mumbai)
Having office at Old Council Hall,)
S.B Marg, Mumbai 400 039.)
 2. The Commissioner of Police,)
Thane, Near Kalwa Bridge,)
Thane.)
-)...Applicants
(Ori Respondents)**

Versus

Shri Dayanand Nivrutti Kiratkar,)
Police Head Constable, At Khadkpada,)
Police Station, Kalyan [W],)
R/at Vastu Vatika C.H.S, J-Wing,)
Room No. 2, Lodha Garden Gandhari,)
Kalyan [W], Dist-Thane 421 301.)

**)...Respondent
(Ori Applicant)**

Ms Archana B.K, learned Presenting Officer for the Applicants (Ori Respondents).

Shri K.R Jagdale, learned counsel for the Respondent(Ori Applicant).

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Mrs Medha Gadgil (Member) (A)

DATE : **29.08.2022**

PER : **Justice Mridula Bhatkar (Chairperson)**

J U D G M E N T

1. In the Review Application, the Respondents have prayed as follows:-

- (a) This Hon'ble Tribunal be pleased to Review/recall the order passed by this Hon'ble Tribunal dated 11.7.2022 in the Original Application.
- (b) Pending hearing and final disposal of this Review Application, the order dated 11.7.2022 of this Hon'ble Tribunal may kindly be stayed.

2. Learned Presenting Officer for the Respondents relied on para 5 of the Review Application and submitted that the procedure and directions prescribed in pars no 9(a) to (g) of the G.R dated 15.12.2017 issued by G.A.D are not meant for the D.P.C but are meant for the Appointing Authority. However, the Hon'ble Tribunal has held that the "authority" to take action as per para no 9(a) to (g) of the G.R dated 15.12.2017 and directed to keep the case before the review D.P.C., which is not in consonance with the mandate of the said paragraphs 9(a) to (g) of G.R dated 15.12.2017.

3. At the outset, we state that this Review Application is very crafty drafted in the guise that only the modification in para 11(a) of the order dated 11.7.2022 is sought. While the Respondent-State, in fact, wants us to stay and review the entire order dated

11.7.2022, which is not permissible within the parameters of review as per Rule 22(3)(f) of the Administrative Tribunals Act, 1985 or in Section 114 r/w Order 47 Rule 1 of CPC.

4. We only accept the submission in respect about the change of the nomenclature or the authority as mentioned in para 11(a) of our order dated 11.7.2022.

5. Hence, we pass the following order:

- (a) The Review Application is partly allowed.
- (b) The Respondents are directed to consider the case of the applicant for promotion to the post of P.S.I as per the Rules within two weeks from the date of this order.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 29.08.2022
Dictation taken by : A.K. Nair.