

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/2884/2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date :

R.A. No. 17/2016 IN O.A. No. 783/2014.
(Sub :- Exemption From Passing Marathi Exam)

- 1 The Secretary, Industries, Energy & Labour Department, Mantralaya,
Mumbai.

(Ori. Resp. No.1) ..APPLICANT/S.
VERSUS

- 1 Mr. Dulekha Chhotekha Khan,
R/at. 104, Ankur Apts., Omkar
Nagar, Near Samaj Sevak Colony,
Talegaon Dabhade, Pune-410 507.
(Ori. Applicant)
- 2 The Commissioner, Block E-C 20,
B.K.C., Kamgar Bhavan, Bandra
(E), Mumbai-400 051.
(Ori. Resp. No. 2)
- 3 The Deputy Commissioner of
Labour Aurangabad Division,
Aurangabad. **(Ori. Resp. No.3)**
- 4 The Government Labour Officer
Samata Colony, Garad Bldg.,
Usmanabad. **(Ori. Resp. No.4)**
- 5 The State of Maharashtra, Through
The Secretary, G.A.D., Mantralaya,
Mumbai. **(Ori. Resp. No. 5)**
- 6 The Accountant General (A & E)-2
Maharashtra Civil Line, Nagpur-
440 001. **(Ori. Resp. No. 6)**

...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 04th day of **August, 2016** has made the following order:-

APPEARANCE : Shri A.J. Chougule, P.O. for the Applicants (Ori. Resp.) in R.A.
Shri K.R. Jagdale, Advocate for the Respondent (Ori. Appli.)

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

DATE : **04.08.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Miyal
28/8/2016
Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

R.A.17/2016 with O.A.783/2014

**The State of Mah. & ors. ... Applicants
(Ori. Resps.)**

Vs.

**Shri D.C. Khan ... Respondent
(Ori. Applicant)**

This application for review is directed against our order dated 1.7.2016 while finally disposing of OA 783/2014 *inter-partes*.

We have perused the record and proceedings and heard Shri A.J. Chougule, the learned P.O. for the Applicants of this R.A. being the original Respondents and Shri K.R. Jagdale, the learned Advocate for the Respondent hereof being the original Applicant.

After hearing the matter at great length, we are quite clearly unable to see as to in what way, an application of review could lie against our order. A very detailed discussion in that behalf will be out of place. It, however, appears from the submissions of the learned P.O. based on the instructions of Shri Sanju K. Gupte, Section Officer, Industries, Energy & Labour Department that the said Officer was not personally liable or responsible for whatever came to pass. In that event, we are of the opinion that MA was a better course of action to be adopted. However, at the end of the day, even that is a technical aspect of the matter and we do not think that the proceedings should be multiplied needlessly. We are, however, convinced having reflected on our order above referred to that it was never intended to hold Shri Sanju Gupte personally responsible. It was an official work and we take it that he must have worked in official capacity based on the record and files, etc. Our observations in Para 4 of the final order on the OA did not give him any mandate that the cost must be recovered from the said Officer only. We clarify that our final order casts no personal slur on the said Officer Shri S.K. Gupte. However, the cost shall remain saddled on the concerned Respondent. Time to deposit the cost is extended by one week from today. With this clarification, the final order on the OA stands and this RA is accordingly disposed of with no order as to be read along with the order on the OA.

E sd/ 16

**(R.B. Malik)
Member (J)
04.08.2016**

(skw)

E sd/ 16

**(Rajiv Agarwal)
Vice-Chairman
04.08.2016**

TRUE COPY

Anchal
31/8/16
Asstt. Registrar/Research Officer
Mumbai Administrative Tribunal
Mumbai.