

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 790/2017**

DISTRICT : THANE

Shri Subhash L. Chaudhari,)	
Working as Additional Director,)	
Industrial Safety and Health,)	
Having office at Sahakar Bhavan,)	
Adarsh Nagar, Pune – 37, R/o: A/602)	
Sumitra Tower, Aai Nagar,)	
Near Shankar Temple, Kalwa [W],)	
Dist-Thane.)	...Applicant

Versus

1.	The State of Maharashtra)	
	Through Principal Secretary,)	
	Industries, Energy and Labour)	
	Department, having office at)	
	Mantralaya, Mumbai 400 032.)	
2.	Shri S.P Rathod,)	
	Working as Additional Director,)	
	Industrial Safety and Health,)	
	Mumbai. Holding additional charge)	
	of post of Director, Industrial)	
	Safety and Health Directorate,)	
	[M.S], Mumbai.)	
	Office at Kamgar Bhavan, 5 th floor,)	
	Near Family Court, Opp. R.B.I,)	
	B.K.C, Bandra [E].)	...Respondents

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

Shri S.P Rathod, Respondent no. 2 in person.

CORAM : Shri Justice A.H Joshi (Chairman)

RESERVED ON : 28.11.2017

PRONOUNCED ON : 30.11.2017

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant, Ms Swati Manchekar, learned Chief Presenting Officer for the Respondent no.1 and Shri S.P Rathod, Respondent no. 2 in person.

2. On facts that it is seen that:-

- (a) Applicant has been posted at Pune on his own request.
- (b) Applicant never staked claim for charge as Director/Acting Charge as Director, and hence he has impliedly conceded to loose said claim by being away from opportunity as acting in-charge Director,
- (c) Hence the applicant does not have right to claim what he is expecting for.

3. Issue involved in present O.A is not worth exertion for writing a judgment for deciding issue involved. Decision on issues which arose can be deferred awaiting for a suitable cases. Hence all issues are kept open.

4. Hence O.A is dismissed.
5. Parties shall bear own costs.

Sd/-
(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 30.11.2017
Dictation taken by : A.K. Nair.

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