

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/795/2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date :

2 MAR 2016

ORIGINAL APPLICATION NO. 180 OF 2016.

(Sub :- Reversion)

1. Mrs. Manjushree M. Kale,
R/at. Survey No. 37, Omkar Colony, Kalepadal, Hadapsar, Pune.

....APPLICANT/S.

VERSUS

- 1 The State of Maharashtra, The Secretary, Home Department, Mantralaya, Mumbai.
2 The D.G. of Police, (Admin), S.B.S. Marg, Colaba, Mumbai.
3 Mr. T.B. Muradner, Office Supdt., Aurangabad, in the office of Spl. Inspector General, Aurangabad Range, Aurangabad.

...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 01st day of **March, 2016** has made the following order:-*

APPEARANCE : Shri K.R. Jagdale, Advocate for the Applicant.
Shri K.B. Bhise, P.O. holding Ms. N.G. Gohad, P.O. for the Respondents.

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

DATE : **01.03.2016.**

ORDER : (Speaking to minutes of order dated 24.02.2016)

Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer holding for Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2 The matter is placed before us for speaking to minutes. There is no dispute about a slight error in paragraph 3 in so far as description of the authority is concerned. Therefore, in the said paragraph (5th line) words "Commandant, SRPF, Group-I, Pune" shall be substituted by words "Special Inspector General of Police, Atrocity Against Women, M.S., Pune". Such a corrected copy be furnished to the parties without any extra charge from them. The parties shall surrender the copies with them. The application for speaking to minutes of the order dated 24.2.2016 is accordingly allowed in these terms.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman.

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.180 OF 2016

DISTRICT : PUNE

Mrs. Manjushree Mahadev Kale

..Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Shri K.R. Jagdale – Advocate for the Applicant

Miss Neelima Gohad – Presenting Officer for the Respondents

CORAM : Rajiv Agarwal, Vice-Chairman

R.B. Malik, Member (J)

DATE : 24th February, 2016

PER : R.B. Malik, Member (J)

ORDER

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Miss Neelima Gohad, the learned Presenting Officer for the Respondents.

2. This matter is placed before us for consideration of interim order. After hearing both the sides we find that the prayer for interim relief may not be something that can be just brushed aside. The applicant came to be promoted as Office Superintendent, Pune and that is the post she holds at the moment. By the order dated 3.2.2016 herein impugned she has been reverted to the post of Head Clerk and she is naturally aggrieved thereby. We do not think it appropriate to make any detailed observation herein except that the respondent no.3 came to be promoted as Office Superintendent and posted at Amravati which posting he declined. He then came to be accommodated at Aurangabad. In this kind of a situation as far as the applicant is concerned she has suffered the fate above referred to. Miss Neelima Gohad, Ld. PO emphasizes that the applicant ought to have made a representation before moving this Tribunal with this OA. Now as to this submission of the Ld. PO we find that on the express language of Section 20 it is not as if the entertainment of the OA is entirely barred in such circumstances. After all it is the interest of justice that must prevail. However, keeping this OA pending we can still direct the applicant to make a representation which would be decided by the respondents within the time limit fixed by us. As of now Shri K.R. Jagdale, Ld. Advocate for the applicant informs that no order has been made with regard to successor of the applicant. Miss Gohad, Ld. PO further submits that she



has no instructions in that behalf and, therefore, she cannot commit herself in any manner whatsoever.

3. Regard being had to the facts and circumstances and most importantly the interest of justice we find that the present state of affairs is that though under orders of reversion the applicant continues to hold the post of Office Superintendent in "Special Inspector General of Police, Atrocity Against Women, M.S. Pune." the office of ~~Commandant, SRPF, Group I, Pune~~ This is defined as status quo. The parties are directed to maintain it till further orders. The applicant is directed to make the representation on/or before 29.2.2016. If the applicant complies herewith then the respondent no.2 shall decide his representation within four weeks from the receipt thereof and communicate to the applicant the decision within one week thereafter. If the applicant fails to keep the time limit above referred to, the order of maintenance of status quo shall stand vacated.

⊗
Correction is
carried out as
per order.
dt:- 11/3/2016.

11/3/16

Registrar

Maharashtra Administrative Tribunal
Mumbai.

4. Issue notice returnable on 30.3.2016.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.


6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of

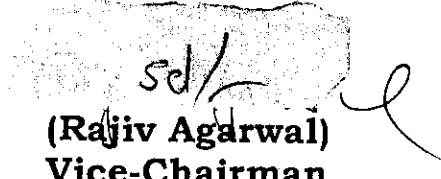
O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 30.3.2016. Ld. PO waives service of notice. Hamdast.

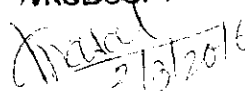

(R.B. Malik)
Member (J)
24.2.2016


(Rajiv Agarwal)
Vice-Chairman
24.2.2016

Date : 24th February, 2016

Dictation taken by: S.G. Jawalkar.

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TRUE COPY

Asst. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai