

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/4679 /2016  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date :

19 DEC 2016

**ORIGINAL APPLICATION NO. 440 OF 2016.**

**(Sub :- Deemed Date of Promotion.)**

1. Shri Pradeepkumar U. Rathod,  
R/at. A-805, Sanskar, Neelam Nagar, Phase-II, Gavanpada Road, Mulund  
(E), Mumbai-400 081.

**....APPLICANT/S.**

**VERSUS**

- 1 Govt. of Maharashtra, Through  
Principal Secretary, Finance Dept.,  
Mantralaya, Mumbai-400 032.
- 2 Govt. Of Maharashtra, Through  
Addl. Chief Secretary (Services),  
G.A.D., Mantralaya, Mumbai-32.
- 3 Commissioner of Sales Tax,  
Maharashtra State, having his  
Office at Vikrikar Bhavan,  
Mazgaon, Mumbai - 400 010.

**...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 15<sup>th</sup> day of **December, 2016** has made the following order:-*

APPEARANCE : Shri. M.D. Lonkar, Advocate for the Applicant.  
Ms. N.G. Gohad, the learned P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **15.12.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Malik*  
17/12/2016  
**Research Officer,  
Maharashtra Administrative Tribunal,  
Mumbai.**

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram,  
Appearance, Tribunal's orders or  
directions and Registrar's orders

Tribunal's orders

**O.A.440/2016****Shri P.U. Rathod****... Applicant****Vs.****The State of Mah. & ors.****... Respondents**

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

The learned PO is being instructed by Smt. Sheetal Sawant, Desk Officer, Finance Department.

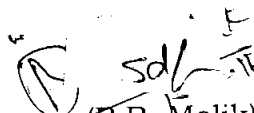
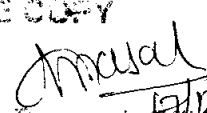
This OA can safely be disposed of at this stage itself. An order of 8<sup>th</sup> November, 2016 issued by the State in the Finance Department is furnished for my perusal. It is retained on record. Thereby the deemed date of promotion is given to the Applicant from 27.3.2001. The further order with regard to the deemed date of promotion in the post of Assistant Commissioner, Sales Tax has not so far been given and both the sides are in fact not in any serious dispute that it would be more in the nature of consequential service benefits, and will have to be accordingly granted. In Para 12 of the Affidavit-in-reply (Page 71 of the Paper Book), the Respondents themselves have mentined (on 6.6.2016) that the said deemed date of promotion for both the posts shall be given within three months. That time limit had already expired, but I think, practical considerations weigh with the Applicant and Mr. Lonkar, in all fairness, does not object to grant of further reasonable time. There is an issue of deemed date of promotion for the post of Deputy Commissioner of Sales Tax for which there is no specific prayer. However, I agree with the learned Advocate Shri Lonkar that it would also fall within the larger compass of consequential relief and as much as the Respondents have already over-shot the time limit prescribed by themselves of three months for the post of Assistant Commissioner, Sales Tax, I think, it would be fair and reasonable to ask them to complete the said task in so far as the post of Deputy Commissioner of Sales Tax is concerned. I must make it clear that no further extension of time shall be given and further liberty is reserved for the Applicant, to, if so advised, bring an appropriate action for monetary benefits. With this liberty, this OA is disposed of with a direction that the Respondents shall complete in every respect the grant of deemed date to the Applicant to the post of Assistant Commissioner of Sales Tax and Deputy Commissioner of Sales Tax as indicated hereinaboave within a period of

[P.T.O.]

**DATE:** 15/12/2016**COPIES:****How to: Shri. K.A. & Co. Pvt. Ltd.****How to: Shri. E. B. Mahajan (Advocate)****APPEARANCE:****Shri. M.D. Lonkar****Advocate for the Applicant****Ms. N.G. Gohad****C.P.O./D.O. for the Respondents**

with directions on is  
disposed of.

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	<p>three months from today, making it clear that there shall be no further time to this time limit. No order as to costs.</p> <p>   (R.B. Malik)  Member (J)  15.12.2016 </p> <p>(skw)</p> <p>TRUE COPY</p> <p>   Registrar  Registrar's Office  Administrative Tribunal  Minister </p>