

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

REVIEW APPLICATION NO. 12 OF 2024

IN

ORIGINAL APPLICATION NO 1337 OF 2024

DISTRICT : SATARA

The Superintendent of Police,)
Satara)
93, Malhar Peth, Satara 415 002.)...**Applicant**
(Ori Respondent No. 2)

Versus

1. Kondiram N. patil)
Sr. Police Inspector,)
Karad City Police Station,)
Dist-Satara and residing at)
Oriana C.H.S Ltd, Flat No. B-1002)
Near Mayur Nagari, Pimpale Gurav,)
Pune – 61.)...**Respondent**
(Ori Applicant)

2. Government of Maharashtra,)
Through Addl. Chief Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032.)

3. Chief Electoral Officer,)
Maharashtra State, having office at)
Mantralaya, Mumbai 400 032.)

4. Shri Raju Ananda Tashildar,)
Police Inspector, Satara,)
Dist-Satara.)...**Formal Respondents**
(Resp. Nos 1, 3 & 4 in
O.A 1337/2024)

Ms Swati Manchekar, learned C.P.O for the Applicants (Ori Respondents).

Shri M.D Lonkar, learned counsel for the Respondent (Ori Applicant).

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 23.10.2024

J U D G M E N T

1. The present Review Application is filed seeking review of the order dated 15.10.2024 passed in O.A 1337/2024 and uphold the order of transfer dated 12.10.2024 as well as the order dated 12.10.2024 giving charge to Ori Respondent No. 4 of the post of Incharge Police Inspector, Karad City Police, Satara.

2. Learned C.P.O submits that there is mistake in para 5 of the said order dated 15.10.2024 as the Tribunal has wrongly considered the offence punishable under Section 166A is non-cognizable and this being a vital point it changed the entire order. She submits that the Review Application is filed within time.

3. Learned Counsel Shri Lonkar opposes the Review Application on the ground that this can't be the ground for review whether the offence under Section 166 or 166A are cognizable or non-cognizable was well within the knowledge of the Respondents and hence in view of Order XVII of Cr. P.C read with Section 22(f) of the Administrative Tribunals Act, 1985, no case in made out for exercise of power of review jurisdiction.

4. In the entire order which is the subject matter of review, Section 166A. is mentioned as per the 1st Schedule of the Cr. P.C offence under Section 166A as cognizable. However, Section 166 is non-cognizable. Thus, while going through the Schedule these two Sections which were next to each other were read erroneously. Similarly, in the relevant line in para 5 it is wrongly mentioned as

“Section 166 is non-cognizable” which should be written as “166A is cognizable”. This mistake occurred due to oversight. The mistake was committed while reading of the Schedule on the point of cognizable and non-cognizable offence.

5. Thus, the error is apparent on the face of the record and which has a bearing over the decision of the case. Hence it is necessary on my part to correct the mistake. Thus, the Applicant falls squarely within the order XVIII of CPC.

6. Thus Review is Allowed, Order dated 15.10.2024 is set aside.

7. O.A. No.1337/2024 is restored.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 23.10.2024
Dictation taken by : A.K. Nair.