

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 4169/2022

Shrawan s/o Wamanrao Dahat

..VS..

State of Maharashtra and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri B.M. Lonare, Advocate for petitioner

Shri D.P. Thakare, Additional Government Pleader for respondent nos. 1 to 3

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, J.J.

DATED : 10/08/2022

The petitioner is serving as a Junior Clerk with Director General of Police, Mumbai. He claims to belong to Scheduled Caste Category and has suffered 45% permanent disability. The petitioner was granted time bound promotion by the order dated 01.05.2003. He now seeks relief of grant of deemed date of promotion. For the said purpose, he approached the Competent Authority and the Commissioner, Disability and Welfare Commissionerate, Pune. By the order dated 08.11.2019, the Commissioner – respondent no. 3 has observed that in view of the provisions of Sections 80 and 82 of the Rights of Persons with Disabilities Act, 2016, the petitioner would have to approach the Maharashtra Administrative Tribunal for seeking relief of grant of deemed date of promotion.

After hearing the learned Counsel for the petitioner as well as the learned Additional Government Pleader for the respondent nos. 1 to 3, we find that the relief sought by the petitioner for grant of deemed date of promotion can be considered by the

Maharashtra Administrative Tribunal in view of the provisions of Section 15 of the Administrative Tribunals Act, 1985.

In view of the aforesaid, the writ petition is disposed of with liberty to the petitioner to approach the Maharashtra Administrative Tribunal for seeking reliefs claimed in the writ petition. No costs.

All points raised in this writ petition are kept open.

If the petitioner files an original application within a period of two weeks from today, the same shall be entertained by the Maharashtra Administrative Tribunal on merits.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

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