

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 666 OF 2018**

**DISTRICT:- JALNA**

**Smt. Laxmi D/o Satavagi Gadage,**

Age-30 years, Occu. Service as  
Kalawa Chowkidar, R/o. Nutan  
Vasahat, Behind Hotel Chandra Lok,  
At & P-Old Jalna, Dist. Jalna.

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**APPLICANT**

**V E R S U S**

- 1) The Principal Secretary,**  
Water Resources Department,  
Madam Kama Marg, Mantralaya,  
Mumbai-32.
- 2) The Superintending Engineer,**  
Vigilance Unit, Aurangabad Region  
Irrigation Colony, Behind Old HC  
Building, Sneha Nagar,  
Aurangabad 431 005.
- 3) The Superintending Engineer and  
Administrator,**  
Command Area Development Authority,  
CADA Garkheda,  
Aurangabad 431 009.
- 4) Executive Engineer,**  
Jalna Irrigation Division,  
A/P. Tq. & Dist. Jalna.

.. **RESPONDENTS**

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APPEARANCE : Smt. Sanjivani Deshmukh-Ghate,  
learned counsel for the applicant.

: Shri V.R. Bhumkar, learned Presenting  
Officer for the respondent authorities.

: Shri Ajinkya Reddy, learned counsel for  
respondent Nos. 3 & 4.

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**CORAM** : **JUSTICE SHRI P.R. BORA, VICE CHAIRMAN**  
**AND**  
: **SHRI VINAY KARGAONKAR, MEMBER (A)**

**DATE** : **23.02.2024**  
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**ORAL ORDER**

(Per : Justice Shri P.R. Bora, Vice Chairman)

Heard Smt. Sanjivani Deshmukh-Ghate, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Ajinkya Reddy, learned counsel for respondent Nos. 3 & 4.

2. The applicant joined as Kalawa Chowkidar in services of the Government in the Water Resources Department on 31.07.2012. The applicant claims to be belonging to Vimukt Jati (A) de-notified tribe. It is her grievance that though she was entitled to be promoted to Class-III post and though she was having requisite qualification and has complied with all the requirements and had become eligible to be so promoted, she was not promoted and her juniors were promoted on 20.09.2016. It is the case of the applicant that thereafter she made representations with the respondents praying for including her name in the list of the candidates to be promoted and to give her promotion to any of the post in Class-III. Since

her request has not been considered, she has approached this Tribunal by filing the present Original Application with the following prayers: -

“B) By issue of an appropriate order or direction, Respondent no. 2 may please be directed to include the name of the applicant in the list of candidates selected for promotion.

C) By issue of an appropriate order or direction, the applicant may please be declared promoted from date 20.09.2016 by giving notional date from which her juniors are promoted with all monetary benefits thereof.”

3. The respondent Nos. 1 & 2 have submitted affidavit in reply and have thereby resisted the contentions raised and prayers made in the O.A. As submitted by Shri Ajinkya Reddy, learned counsel appearing for respondent Nos. 3 & 4, the said respondents have adopted the reply submitted on behalf of respondent Nos. 1 & 2. The only reason, which is revealing from the affidavit in reply of the said respondents is that the applicant since did not produce the Caste Validity Certificate, she was not considered for her promotion.

4. Shri V.R. Bhumkar, learned Presenting Officer appearing for the respondent authorities submitted that despite

giving due understanding and issuance of the notices time to time, the applicant failed in producing on record her Caste Validity Certificate before the period of DPC meeting as required and in the circumstances she was not considered for her promotion to Class-III post. The respondents have placed on record certain documents which contain seniority list of the candidates as well as relevant circulars pertaining to the time limit for placing on record the Caste Validity Certificate and all other required documents.

5. We have carefully gone through the pleadings of the parties and the documents placed on record. As we noted hereinabove the only question which falls for our consideration is whether the applicant possesses the Caste Validity Certificate and whether it was timely submitted by her in the office? In the O.A. it is the contention of the applicant that on 22.04.2016 she had submitted the Caste Validity Certificate with her office with a prayer to take note of it in her service book. The applicant has also placed on record the copy of the Caste Validity Certificate, which envisages that the scrutiny committee has issued the said certificate on 21.01.2016. The letter which the applicant had written to the respondents on 22.04.2016 is duly acknowledged by the respondents and receipt of the said

application is duly acknowledged by the concerned employee with the stamp of the office. Moreover, this fact has also not been disputed by the respondents.

6. From the contents in the O.A. as well as in the affidavit in reply it is evident that on the date of DPC meeting i.e. 08.09.2016 the applicant was possessing the Caste Validity Certificate as well as all other documents. The name of the applicant was, therefore, liable to be considered by the DPC for her promotion to the Class-III post. The respondents have not disclosed any cogent reason for not considering her name in the DPC. The reason which has been assigned that the applicant was not possessing the Caste Validity Certificate cannot be accepted for the reason that the same was submitted by the applicant to the office on 22.04.2016 i.e. much prior to the date of the DPC meeting. Nothing has been pointed out by the respondents as to which was the date prescribed for submitting such Caste Validity Certificate, in absence of which it has to be held that the Caste Validity Certificate, received to the office of the respondents on 22.04.2016 was well within the time.

7. The averments in paragraph No. 8 of the affidavit in reply to the effect that, "it is the duty of the present applicant to submit her Caste Validity Certificate before conduction of the

DPC meeting” support the case of the applicant and negates the argument made by the learned P.O. that the Caste Validity Certificate was to be submitted before 06 months of the date of DPC meeting.

8. Further, the averment in the reply that the applicant did not produce her validity certificate before the date of DPC meeting, therefore, factually appears incorrect and has been falsified because of the documents which have now come on record. Documents placed on record demonstrate that the Caste Validity Certificate was submitted by the applicant on 22.04.2009. Therefore, there has remained no doubt that Caste Validity Certificate was submitted by the applicant within time.

9. It appears that despite furnishing the Caste Validity Certificate, the applicant’s name was not considered in the DPC on a wrong assumption that she has not submitted her Caste Validity Certificate. In fact, the name of the applicant was liable to be considered in the DPC meeting held on 08.09.2016.

10. After having considered the facts and circumstances discussed hereinabove it is quite evident that the applicant is eligible to be promoted to the Class-III post. As such, prayer made by the applicant in her application deserves to be allowed.

The applicant has also prayed for deemed date, however, in absence of the necessary particulars we may not be able to grant any relief in this regard. It would be, however, open for the applicant to make representation for that purpose with the respondents. In the result the following order is passed: -

**ORDER**

(i) The respondents are directed to consider the applicant for her promotion to Class-III post in the DPC meeting, which may be held hereinafter and if there is no other legal impediment and vacancies are available, applicant may be promoted to the Class-III post.

(ii) The Original Application stands allowed in the aforesaid term, however, without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**