

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 798 OF 2018**

DIST. : BEED

Rajendrakumar Pandharinath Barhate,  
Age. Major, Occ. Service  
i.e. Head of Department,  
Civil Engineering Polytechnic College,  
Beed, Tq. & Dist. Beed.

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**APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through : Secretary,  
Department of Higher &  
Technical Education,  
Mantralaya, Mumbai – 32.

2. Secretary,  
Department of General Administration  
(Service), Maharashtra State,  
Mantralaya, Mumbai – 32.

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**RESPONDENTS**

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APPEARANCE :- Shri S.S. Deshmukh, learned Advocate for  
the applicant.  
: Shri M.S. Mahajan, learned Chief  
Presenting Officer for the respondents.

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**CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 25<sup>th</sup> January, 2019**

**JUDGMENT**

*(Per : Justice M.T. Joshi, Vice Chairman)*

1. Heard Shri S.S. Deshmukh, learned Advocate for the  
applicant and Shri M.S. Mahajan, learned Chief Presenting Officer  
for the respondents.

2. By filing present Original Application, the applicant is claiming following reliefs :-

*“(A) By issuance of order or directions, the respondent authorities be directed to decide the representation dated 31.3.2017 and 2.5.2017 made by the applicant to the respondent authorities forthwith; and for that purpose issue necessary directions.*

*(B) It be directed to the state of Maharashtra at first place to prepare and publish year wise common seniority list prevailing as on 9.9.2004 i.e. of the unified cadre and consider the same for the purpose of the promotion strictly as per the seniority list of then unified cadre and regularize the cadre bifurcation by placing it before the council of minister as per the Rules of Business, State of Maharashtra; and for that purpose issue necessary directions.*

*(D-1) By issuance of order or directions, the impugned seniority list by virtue of Government Circular dated 16.9.2017 may kindly be quashed and set aside; and for that purpose issue necessary directions.”*

3. Learned Advocate for the applicant submits that writ petition no. 4210/2008 (Annex. A. 7 page 40) is pending before the Hon'ble High Court since long and, therefore, in the meantime, the issue involved in the present matter regarding seniority can be decided.

4. Upon hearing both the sides, it appears that, while the respondents are under impression that the present applicant is seeking inclusion of his name in the seniority list of Head of

Department as can be seen from para 7 of the affidavit in reply (page 25), the applicant claims that he should be placed in the unified seniority list of Teachers as well as administrative staff as his name is not included in the provisional seniority list dtd. 1.1.2004 (Annex. A. 9 pages 44 onwards), which is yet to be finalized.

5. Learned Advocate for the applicant further submits that representations to this effect are already made by the applicant to the concerned respondent on 31.3.2017 and 2.5.2017, copies of which are placed on record at Annex. A. 4 pages 28 to 33.

6. We are of the opinion that there is no hitch in directing the concerned respondents to decide the representations of the applicant dtd. 31.3.2017 and 2.5.2017 (Annex. A. 4 pages 28 to 33) and prepare year-wise common seniority list of the unified cadre regarding which draft seniority was prepared by the respondents (pages 44 onwards).

7. In the circumstances, we pass the following order :-

(i) The present O.A. is allowed and disposed of without any order as to costs.

- (ii) The concerned respondents are directed to decide the representations of the applicant dtd. 31.3.2017 and 2.5.2017 (Annex. A. 4 pages 28 to 33) and also to prepare and publish year-wise common seniority list of the unified cadre by taking into considerations the submissions made by the applicant in his representations (supra) as well as objections raised by other employees, if any, as per rules and prevailing G.Rs., within a period of 4 months from the date of this order and shall also take steps for imparting consequential benefits, if any, to the applicant.

**(ATUL RAJ CHADHA)**  
**MEMBER (A)**

**(M.T. JOSHI)**  
**VICE CHAIRMAN**

**Place : Aurangabad**

**Date : 25.1.2019**