

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

COMMON ORDER IN O.A. NOS. 527, 528 & 529 ALL OF 2012

(1) ORIGINAL APPLICATION NO. 527 OF 2012

DIST. : NANDED

Anantrao Vithalrao Soudagar,
Age. 53 years, Occ. Service,
R/o Adarsh Society, Ankur Nagar,
Bhawaskar Chowk, Nanded

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APPLICANT

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Irrigation Department,
Mantralaya, Mumbai.
2. The Zonal Superintending Engineer,
Vigilance Cell, Aurangabad Circle,
Aurangabad.
3. The Zonal Superintending Engineer,
Nanded Irrigation Circle,
Nanded.

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RESPONDENTS

WITH

(2) ORIGINAL APPLICATION NO. 528 OF 2012

DIST. : NANDED

Ramrao Raghunathrao Deshpande,
Age. 51 years, Occ. Service,
R/o C/o Pangrikar, 161, Vivek Nagar,
Nanded.

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APPLICANT

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Irrigation Department,
Mantralaya, Mumbai.
2. The Zonal Superintending Engineer,
Vigilance Cell, Aurangabad Circle,
Aurangabad.
3. The Zonal Superintending Engineer,
Nanded Irrigation Circle,
Nanded. -- RESPONDENTS

WITH**(3) ORIGINAL APPLICATION NO. 529 OF 2012**

DIST. : NANDED

Keshav s/o Datta Giri,
Age. 47 years, Occ. Service,
R/o Sangvi Gopal Nagar, Nerar Airport,
Nanded. -- APPLICANT

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Irrigation Department,
Mantralaya, Mumbai.
2. The Zonal Superintending Engineer,
Vigilance Cell, Aurangabad Circle,
Aurangabad.
3. The Zonal Superintending Engineer,
Nanded Irrigation Circle,
Nanded. -- RESPONDENTS

APPEARANCE : Shri A.D. Sugdare, learned Advocate for
the Applicants in all these matters.

- : Smt. Priya Bharaswadkar, learned Presenting Officer for the Respondent nos. 1 & 2 in O.A. no. 527/2012.
- : Shri S.D. Dhongde, learned Advocate for Respondent no. 3 in O.A.527/2012.
- : Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent no. 1 in O.A. no. 528/2012.
- : Shri S.D. Dhongde, learned Advocate for Respondent nos. 2 & 3 in O.A.528/2012.
- : Shri S.K. Shirse, learned Presenting Officer for the Respondent nos. 1 to 3 in O.A. no. 529/2012.

CORAM : **Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'Ble Shri J.D. Kulkarni, Member (J)**
DATE : **21.10.2016**

JUDGMENT

{PER : HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN}

1. Heard Learned Advocate Shri A.D. Sugdare for the Applicants in these O.As., Mrs. Priya R. Bharaswadkar, learned Presenting Officer, Shri M.S. Mahajan, learned Chief Presenting Officer, Shri S.K. Shirse, learned Presenting Officer and Shri S.D. Dhongde, learned Advocate for respective respondents in respective matters.

2. These O.As. were heard together and are being disposed of by a common order as the issues to be decided are identical.

3. Learned Counsel for the Applicants argued that the Applicant in O.A. no. 527/2012 has passed H.S.C. and also Surveyor's course from Industrial Training Institute (I.T.I.), Nanded. He was appointed on daily wages on 10.1.1988 and brought on C.R.T.E. on 10.1.1993. He was appointed as Karkoon by order dated 1.7.2010. As per the recruitment rules for the post of Civil Engineering Assistant (C.E.A.) notified on 26.2.2002, the persons working in 13 cadres were merged into a single cadre of C.E.A. Learned Counsel for the Applicant stated that the Applicant is eligible for being appointed as C.E.A.

4. In O.A. no. 528/2012, the Applicant was appointed on daily wages on 11.6.1987 and brought on Converted Regular Temporary Establishment (C.R.T.E.) on 11.6.1992. He was appointed as Karkoon by order dated 24.2.2010. He has passed S.S.C. and also Surveyor's course from I.T.I. He is claiming to be eligible to be appointed as C.E.A.

5. In O.A. no. 529/2012, the Applicant was appointed as Mukadam on 24.1.1986 and brought on C.R.T.E. on 24.1.1991.

He was also appointed as Karkoon by order dated 24.2.2010. He has passed S.S.C. and passed Surveyor's course from I.T.I.

6. Learned Counsel for the Applicants argued that the Applicants are eligible to be absorbed as C.E.A. on the basis of the Recruitment Rules for the post of C.E.A.

7. Learned Presenting Officers argued that by G.R. dated 30.1.1989, a new cadre of Civil Engineering Assistant (C.E.A.) was created and employees working in 13 existing cadres of Sub Overseer, Surveyor, Technical Assistant, Mistry, Muster Karkoon etc. were absorbed in the post of C.E.A., provided they held requisite qualifications for being appointed as C.E.A. Recruitment Rules for the post of C.E.A. were notified on 26.2.2002. 50% posts are to be filled by absorption of eligible candidates working in the cadres mentioned in G.R. dated 30.1.1989 and 50% by direct recruitment. Learned P.O. argued that 50% quota for absorption is already filled up completely and the Applicants would be considered for absorption as and when vacancy in 50% quota for absorption, are available.

8. This Tribunal by order dated 10.1.2014 in M.A. no. 97/2012 in O.A. no. 817/2011 had directed the Respondents to absorb the Applicant in that O.A. as per his seniority as and

when posts from 50% absorption quota become available. In these O.As. also, if the Applicants are found eligible for appointment as C.E.A., the Respondents are directed to absorb them on the post of C.E.A., on the basis of their seniority, and as and when vacancies arise in 50% absorption quota. These O.As. are disposed of accordingly with no order as to costs.

MEMBER (J)

VICE CHAIRMAN

ARJ OA NOS. 527, 528, 529 OF 2012 DB (RA) APPOINTMENT - PROMOTION