

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**MISCELLANEOUS APPLICATION NO.49 OF 2022
IN
ORIGINAL APPLICATION NO.1 OF 2023**

Mr. Krishna Chintamani Jadhavar & Ors. **...Applicants**

1. Abhimanyu Vilas Charhate,)
2. Ravindra Panjabrao Rathod,)
3. Narayan Jayaji Surve)
4. Vivek Shivaji Jamdade)
Working as Occ. Supply Inspector,)
Food Grain Distribution Office, Nagpur)

5. Lalit Subhash Patil)
Working as Occ. Supply Inspector,)
Tahsil Karyalaya, Chimur,)
District Chandrapur.)

6. Dhananjay Purushottam Nawle,)
Working as Occ. Supply Inspector,)
Food Grain Distribution Office, Nagpur) **...Interveners.**

Versus

The State of Maharashtra & Ors. **...Respondents**

Mr. Ashish Girdekar, learned Advocate holding for Ms. S.M. Deokar, learned Advocate for the Applicant in M.A.No.49/2023.

Ms. Punam Mahajan, learned Advocate for the Applicant in O.A.No.1/2023.

Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar, Chairperson**
Ms. Medha Gadgil, Member-A

DATE : **08.02.2023.**

J U D G M E N T

1. In order to overcome multiplicity of litigations we are inclined to hear intervention application first.

2. Learned Advocate Mr. Girdekar for intervention application for 6 applicants working as Supply Inspector seeks promotion to the post of Supply Inspecting Officer. Learned Advocate Mr. Girdekar appearing for the Interveners has submitted that the 6 Interveners have moved this Intervention Application with the prayer that they are going to be affected if the applicants in O.A.No.1/2023 are going to be promoted to the post of Supply Inspecting Officer at Pune Division.

3. Learned Advocate Mr. Girdekar has submitted that the D.P.C. was conducted on 02.08.2022. The Civil Services Board (CSB) meeting has been conducted on 08.08.2022. The 6 applicants in M.A. have filed intervention application. They are working as Supply Inspector in Nagpur Region and 26 Applicants in O.A. are from Pune Division. Learned Advocate Mr. Girdekar has submitted that on 28.12.2017 Government has issued G.R. thereby granting the status of Gazetted Officer to Group-B. Thereafter, the State has prepared seniority list of all Supply Inspectors at State Level. Learned Advocate Mr. Girdekar submits that the 6 interveners-applicants are senior to the Applicants in

O.A.No.1 /2023 as per seniority list dated 01.08.2019. Learned Advocate Mr. Girdekar has submitted that the names of all the applicants in O.A. were not mentioned in the said seniority list.

4. Learned Advocate Mr. Girdekar has submitted that 39 officers became Supply Inspecting Officer as per Recruitment Rules of the year 1998 and they were posted at various places in the State of Maharashtra and hence the candidates are to be promoted on the post of Supply Inspecting Officer on the basis of seniority-cum-merit. As per Clause 5 of the G.R. dated 28.12.2017 the post of Supply Inspecting Officer being declared Gazetted post the appointment of these officers automatically fall within the purview of M.P.S.C. and therefore the Recruitment Rules are required to be amended. He has relied on communication dated 29.06.2022 issued by the Under Secretary, Food and Civil Supply to Deputy Commissioner. He has submitted that pursuant to the said letter, the Konkan Division has acted upon and the four divisions have conducted the DPC meeting and forwarded the proposal to the Government. This order was challenged in O.A.No.988/2022 before the Nagpur Bench of this Tribunal. Learned Advocate Mr. Girdekar has submitted that the Nagpur Bench by order dated 07.02.2023 has quashed and set aside the letter dated 29.06.2022 and also directed not to issue promotion orders on the post of Supply Inspecting Officer till the revised Recruitment Rules are passed.

5. Learned Advocate Ms. Punam Mahajan while opposing the Intervenor Application O.A. has submitted that the Interveners have no legal right.

6. We have considered the submissions made by the learned Advocate Mr. Girdekar for the Interveners-applicants. The entire arguments are based on the presumption that the Seniority List will be prepared at State Level, rather the State Level seniority is already published in 2019 by taking shelter of G.R. of 2017.

7. At the outset, we are of the view that the seniority list is to be published on the basis of the existing Rules. It cannot be published or decided on the basis of speculation anticipating what Rules are going to be in future. Therefore, we are of the view that whether the applicants are going to be affected, if the O.A. is allowed cannot be accepted at this stage when there is no change in the Recruitment Rules as on today because as on today Recruitment Rules of the year 1998 is in force.

8. M.A. stands dismissed. O.A. adjourned to 17.02.2023.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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