

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**MISCELLANEOUS APPLICATION NO.607 OF 2021
IN
ORIGINAL APPLICATION NO.636 OF 2021**

1. The State of Maharashtra)
Through the Secretary, Skill Development)
and Entrepreneurship Dept.)
Mantralaya, Mumbai.)
2. The Director, Directorate of Vocational)
Education and Training, Maharashtra)
State 3, Mahapalika Marg, P.B. 10036)
Mumbai 400 001)

...Applicants (Org. Respondents)

Versus

1. Mr. Ram Annasaheb Hire,)
Age: 51 years, Occ. Govt. Service)
Working as – Full Time Teacher)
Govt. Technical High School, Nashik)
R/o. 24, Mansi Park, Navshakti Chowk,)
Bhabha Nagar.)
2. Mr. Abhyakumar Ankat Tayade)
Age : 50 years, Occu. Govt. Service)
Govt. Technical High School, Nashik)
R/o. 01, Shubh Niwas Row House,)
Indraprastha Nagar, Peth Road,)
Nashik 422 003)
3. Mr. Mohan Kankanna Telangi,)
Age : 51years, Occ. : Govt. Service)
Working as Group Instructor (GI))
ITI, Nashik (Girls),)
R/o. 12, Brambhgiri Hsg. Society)
Bhim Nagar, Jai Road, Nashik Road,)
Nashik 422 101)

...Respondents (Org. Applicants)

Ms. Archana B.K., learned Presenting Officer for the Applicants (Org. Respondents).

Mr. C.T. Chandratre, learned Advocate for the Respondents (Org. Applicants).

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

DATE : **15.02.2022**

PER : **Justice Ms. Mridula Bhatkar, Chairperson**

J U D G M E N T

1. In this M.A. the State of Maharashtra seeks extension of time to implementation the order of the Tribunal dated 14.10.2021 by which the Respondent-Department is directed to conduct the meeting of Departmental Promotion Committee (D.P.C.) on the basis of existing Rules or new Recruitment Rules whichever are in force and complete the process as on 01.01.2022.

2. We have passed order on 18.01.2022 in this M.A. wherein we have mentioned that as the M.A.T. Bench Nagpur has granted stay in identical matter by order dated 17.12.2021 in O.A.No.538/2021 therefore the D.P.C. could not be presided and the order dated 14.10.2021 passed in O.A.No.636/2021 could not be complied with. We have specifically mentioned in the said order that,

“4. It appears that the M.A.T., Nagpur Bench is not aware of the order dated 14.10.2021 passed by the Principal bench, Mumbai in this Original Application. It was necessary for the learned P.O. Nagpur Bench to place the order dated 14.10.2021 of the M.A.T Principal Bench, Mumbai before the Nagpur Bench.

5. *In view of this, the matter is adjourned to 7.2.2022.:*

3. The learned C.P.O. for the Respondents submits that the Department has constituted the D.P.C. and wants to proceed to comply with the order dated 14.10.2021. However, she submits that 13 Government employees holding similar posts have approached this Tribunal challenging the said seniority list who are placed below 190 numbers in respect of their placements stating that they are to be placed at serial No.24, 25 and 27. At M.A.T. Bench Nagpur in O.A.No.538/2021 by order dated 31.01.2022 at paragraph 5 it is held that,

5. However, as submitted by the applicants, their seniority list as on 1/1/2020 published on 4/5/2021 (A-5, P-154) is erroneous. The respondents are directed to first correct the seniority list of the applicants as on 1/1/2020 published on 4/5/2021 (A-5, P-154) as per para-3 of the order of this Tribunal dated 12/7/2021. The respondents are further directed to solve the applicants' grievance, then proceed with the DPC as per the order of MAT, Principal Bench dated 18/1/2022 in M.A.607/2021 in O.A.636/2021.

4. Considering the view taken by our Brother Judges of M.A.T. Bench Nagpur we made following queries to the learned P.O. with a view to resolve the issue :-

(a) All the 13 Applicants, if succeed and their seniority as per their claim is allowed, then who is going to be topper in those 13 Applicants and will be placed at which serial number in the seniority list “

Ans. The learned P.O. on instructions from Mr. Rajendra S. Sankhe, Assistant Apprenticeship Advisor (T), has produced the chart which is reproduced here in below :

Grievance of the Applicants before Hon. Bench at Nagpur

Name		Seniority No. as per provisional seniority list dated 26/02/2021 Initial appointment as Training Officer (Centre of Excellence)		Seniority No. as per final seniority list dated 04/05/2021 By considering date of absorption on the post of Group Instructor, Asstt. Engg.Supt./Surveyor		Seniority as per final seniority published on 08/12/2021		Seniority as if applicant succeed in O.A. 538 / 2021	
1	S.V.Gawande	240	26/02/2009	328	09/12/2016	282	09/12/2016	195	26/02/2009
2	S.N.Dubey	283	03/07/2010	343	09/12/2016	297	09/12/2016	237	03/07/2010
3	S.D.Kamble	266	11/09/2009	335	09/12/2016	289	09/12/2016	221	11/09/2009
4	C.L.Zaparde	189	14/08/2008	296	09/12/2016	250	09/12/2016	146	14/08/2008
5	A.G.Mohod	205	10/10/2008	302	09/12/2016	256	09/12/2016	162	10/10/2008
6	P.R.Bokade	239	25/02/2009	327	09/12/2016	281	09/12/2016	194	25/02/2009
7	M.K.Badukale	207	10/11/2008	304	09/12/2016	258	09/12/2016	164	10/11/2008
8	M.M.Buge	218	24/10/2008	312	09/12/2016	266	09/12/2016	174	24/10/2008
9	A.V.Sondawle	260	20/08/2009	332	09/12/2016	286	09/12/2016	215	20/08/2009
10	D.S.Patil	192	26/08/2008	298	09/12/2016	252	09/12/2016	149	26/08/2008
11	U.B.Jadhav	208	10/10/2008	305	09/12/2016	259	09/12/2016	165	10/10/2008
12	M.M.Bagul	234	13/02/2009	324	09/12/2016	278	09/12/2016	190	13/02/2009
13	J.H.Suryawanshi	210	13/10/2008	306	09/12/2016	260	09/12/2016	166	13/10/2008

The learned P.O. has submitted that out of 13 Applicants, first one will be placed at serial No.146, if they succeed in their claim of seniority.

- (b) How much time is required to update the entire seniority of 327 people including seniority of 13 Applicants.

Ans. The learned P.O. requested for five weeks time.

5. Thus, in view of the information furnished to us by the Department and factually the applicants in the present O.A. before us are admittedly above 140 number, as they stand at serial no.24, 25 and 27 (corrected serial number). The promotions of the candidates from 1 to 120 are not to be stalled and can be promoted when nearly 100 posts are vacant, so that administration will not be stalled. D.P.C. to be conducted within two weeks.

6. The learned P.O. Nagpur Bench is directed to place this order before the M.A.T. Bench Nagpur.

7. With above directions, M.A. is disposed of.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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