

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 433 OF 2018

DISTRICT : PUNE

1. Shri Nagnath Pandurang Bhosale)
Working as Naib Tahsildar [Revenue],)
Elphinson's Road, Behind Bakers Bazar,)
Khadki, Pune 411 003.)
2. Shri Sanjay P. Bhosale,)
Working as Naib Tahsildar [Revenue],)
Residing at Shivlok Apartment, Deokar Park,)
Pimpale Gurav, Pune 411 061.)
3. Shri Baburao B. Bodake,)
Working as Naib Tahsildar [Revenue],)
Residing at Government Quarters,)
Block no. 2, Behind Tehasil office,)
Khed [Rejgurunagar], Dist-Pune.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Principal Secretary,)
Revenue & Forest Department, Mantralaya,)
Mumbai 400 032.)
2. The Additional Chief Secretary,)
General Administration Department,)
Mantralaya, Mumbai 400 032.)
3. The Divisional Commissioner,)
Pune Division, Council Hall,)
Pune 411 001.)...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Shri Justice A.H Joshi (Chairman)**

DATE : **19.10.2018**

ORDER

1. Heard Smt Punam Mahajan, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned advocate for the applicant states as follows:-

Applicant is satisfied with the statement contained in para 13 & 14 of the affidavit in reply. However, applicant prays for a direction based thereon.

3. Perusal of the record reveals that paras 13 & 14 of the affidavit in reply affirmed by the Deputy Secretary, Revenue & Forest Department, Mantralaya, Mumbai reads as follow:-

“13. With reference to contents of paragraph nos 6.23, 6.24.1, 6.24.5, 6.24.6, 6.24.9 & 6.24.10, I say that as per directions of the Hon’ble Tribunal, the applicants were granted deemed date of promotion as 15.6.2009 in the cadre of Naib Tahsildars. However, even with this deemed date they have not yet come within the zone of consideration for promotion to the post of Tahsildar. As stated herein above, they would be considered for promotion at the appropriate time as per their seniority. Hence the apprehension indicated in these paras is incorrect.

14. With reference to para 6.24.2, I say and submit that the Condition B in the order dated 5.12.2017 would not come in their way for being considered for promotion as per their turn.”

(Quoted from pages 121 and 122 of O.A).

4. Learned C.P.O states that in view of the statement of the Government, any further directions would not be necessary.

5. This Tribunal is of the view that once the Government has taken a conscious decision, there should not be any difficulty in issuing appropriate corrigendum in the impugned order, having made statement on oath in the affidavit in reply.

6. Hence, Original Application is disposed of with following order:-

(a) Respondent-State is directed to issue necessary corrigendum for incorporating a correction consequential upon the statement contained in paras 13 & 14 of the affidavit in reply of the Deputy Secretary dated 4.10.2018, text whereof is quoted in foregoing paragraph no. 3.

(b) The corrigendum be issued within two months from today.

7. Parties are directed to bear their own costs.

Sd/-
(A.H. Joshi, J.)
Chairman

Place : Mumbai
Date : 19.10.2018
Dictation taken by : A.K. Nair.