

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 617 OF 2015

DISTRICT : THANE

1. Shri Prakash Murlidhar Mulay,)
Assistant Town Planner)
in the office of Collector of Stamps,)
Old Custom House, Fort,)
Mumbai 400 001.)
R/o: Laurel Building, Edenwood Soc.)
Thane [W].)

2. Shri Kumar Kashappa Dharane,)
Assistant Town Planner,)
In the office of Town Planning and)
Valuation Department,)
Office of Assistant Director of Town)
Planning, Thane, Jambhali Naka,)
Thane [W]. R/o: Triveni Bldg,)
Vasant Vihar, Thane [W].)...**Applicant**

Versus

1. The State of Maharashtra)
Through Principal Secretary,)
Urban Development Department,)
Office at Mantralaya,)
Mumbai 400 032.)

2. The Director of Town Planning)
& Valuation Department, [M.S],)
Having office at Central Administrative)
Building, Near Balbharti,)
Behind Sasson Hospital, Pune-30.)...**Respondents**

Shri B.A Bandiwadekar, learned advocate for the Applicants.

Mrs K.S Gaikwad, learned Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Mrs Medha Gadgil (Member) (A)

DATE : **03.01.2022**

PER : **Justice Mridula Bhatkar (Chairperson)**

J U D G M E N T

1. In this Original Application, the applicants who are working as Assistant Town Planners in the office of the Collector of Stamps have challenged the order dated 7.7.2015, passed by the Respondent no. 1 for non-inclusion of their names in the list of promotees to the post of Town Planner. It is averred that the names of the applicants, though they are eligible are not included in the list issued by Respondent No. 1.

2. Learned counsel for the applicants submitted that applicant no. 2 has retired and he has communicated the orders passed by this Tribunal dated 22.6.2021 and 7.7.2021 to both the applicants. However, he has not received any response and instructions from both the applicants. Learned counsel further submits that in absence of any instructions from the applicants, he is unable to assist the Tribunal and argue the matter further.

3. We refer to our earlier order dated 22.6.2021, wherein we have stated as under:-

“2. The matter pertains to promotion on the post of Town Planner. The applicant seems to be excluded from promotion which the department carried out on the basis of provisional seniority list.

3. Learned counsel for the applicant submits that after filing of O.A, the department has finalized the seniority list

and intends to amend O.A so as to challenge the final seniority list.”

Thereafter, again on 6.7.2021, we have stated that:-

“Learned counsel for the applicant submits that applicant No. 1 is unwell and applicant No. 2 is already stands retired from service. He needs to amend O.A but for want of presence of Applicants, he is unable to do so. He, therefore, requested for time to take necessary steps to amend O.A so as to challenge the final seniority list prepared during pendency of O.A.”

4. Learned P.O on the basis of the affidavit in reply filed by Respondent no. 1, has submitted that the applicants were not senior and therefore, their names were not coming in the zone of consideration and hence they were not given promotion.

5. We have considered the affidavit in reply and the submissions made by the learned P.O. There is no necessary amendment made by the applicants and in view of the submissions made by the learned counsel for the applicants, we find no merit in the Original Application.

6. The Original Application is dismissed as the applicants failed to establish the real cause of action, which is the final seniority list, they have not challenged in the Original Application.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 03.01.2022
Dictation taken by : A.K. Nair.