

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 753 of 2010 (S.B.)

Ramesh S/o Natthuji Petkar
Aged about 57 years, Occupation: Service,
R/o. Sali Prasad Department Flat No.306,
Reshimbag, Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
- 2) The Commissioner,
Tribal Development Department,
Government of Maharashtra Old Agra Road,
Nasik.
- 3) The Additional Commissioner,
Tribal Development Department
Government of Maharashtra, Giripeth, Nagpur.

Respondents.

Shri I.S. Charlewar, Advocate for the applicant.
Shri A.P. Potnis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 24/03/2023.

J U D G M E N T

Heard Smt. D.I. Charlewar, learned counsel holding for
Shri I.S. Charlewar, learned counsel for the applicant and Shri A.P.
Potnis, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant came to be appointed as a Junior Clerk and joined on the said post on 04/03/1978. The applicant was promoted to the post of Senior Clerk on 19/07/1983. One employee Shri B.P. Deore, who was junior to the applicant given promotion to the post of Senior Clerk w.e.f. 19/03/1983. Therefore, the respondents by its order dated 15/04/1995 granted deemed date to the applicant to the promotional post of Senior Clerk w.e.f. 19/03/1983. The applicant had filed O.A.No.500/2006. On 04/01/2008, this Tribunal directed the respondents to decide the representation of the applicant. On 11/02/2010, the applicant came to be promoted to the post of Office Superintendent by considering the deemed date of 19/07/1983. The applicant again made representation pointing out that his deemed date granted by the respondent as 19/03/1983 was not taken into consideration while promoting the applicant to the post of Office Superintendent by its order dated 01/02/2010. Therefore, the applicant approached to this Tribunal for the following reliefs –

“ (i) That by issue of suitable writ, order or directions the Respondent no.2 be directed to accord the approval to the deemed date of 19.03.1983 for the promotional post of Senior Clerk by taking into consideration the Government Resolution dated 6th June 2002, in the interest of justice;

(ii) That the Non-applicants be further directed to consider the Applicants for the promotional post of Office Superintendent with effect from 22.07.1996 and further we please to grant all the monitory benefits to the Applicant in the interest of justice.

(iii) Grant any other relief which this Hon'ble Tribunal deems fit and proper under the facts and circumstances of the case, in the interest of justice.

(iv) Caused be settled on Respondents or Non- applicants."

3. Heard Shri A.P. Potnis, learned P.O. for the respondents. The O.A. is opposed by the respondents. It is submitted by the side of respondents that Shri Deore was directly appointed. He was not junior to the applicant and hence the O.A. is liable to be dismissed.

4. Heard learned counsel for the applicant. She has pointed out the order dated 15/04/1995. This order shows that Shri Deore was given deemed date from 19/03/1983 to the post of Senior Clerk. This order shows that he was not directly recruited and given deemed date of promotion on the post of Senior Clerk w.e.f. 19/03/1983. On the earlier dates the learned P.O. was requested to get instructions as to whether Shri Deore was directly recruited on the post of Senior Clerk w.e.f. 19/03/1983, but no such instructions is supplied by the learned P.O. because it is not received from the respondents. The order dated 15/04/1995 shows that Shri Deore was given deemed date of promotion on the post of Senior Clerk w.e.f. 19/03/1983. There is no dispute that the applicant is senior to Shri Deore. The applicant was promoted on the post of Senior Clerk on 19/07/1983. Being a senior, the applicant is entitled for deemed date of promotion to the post of Senior Clerk w.e.f. 19/03/1983, because his junior Shri Deore

was given deemed date of promotion on the post of Senior Clerk from 19/03/1983. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to give deemed date to the post of Senior Clerk w.e.f. 19/03/1983 to the applicant.
- (iii) The respondents are further directed to consider the applicant for the promotional post of Office Superintendent w.e.f. 22/07/1996 and pay all consequential benefits to the applicant.
- (iv) No order as to costs.

Dated :- 24/03/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 24/03/2023.

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