

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 201 of 2017

Rahul S/o Laxmanrao Meshram,
Aged about 42 years, Gokhale Layout,
Plot no.40, Behind Gram Sevak Bhavan,
Navsari Road, Amravati.

Applicant.

Versus

- 1) The State of Maharashtra through its Secretary,
Department of Industrial Energy and Labour
Mantralaya, Mumbai-32.
- 2) President,
Industrial Court, 7th floor,
Tardeo, Mumbai.
- 3) Judge, Labour Court,
Amravati.
- 4) S.P. Raikwar, Court Clerk,
Industrial Court, Amravati.
- 5) S.D. Joshi, Court Clerk, Industrial Court,
Nagpur.
- 6) U.H. Pawar, Court Clerk,
Labour Court, Yavatmal.

Respondents

Shri N.R. & Mrs. K.N. Saboo, Advocate for the applicant.

Shri S.A. Deo, Id. C.P.O. for the respondents.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGEMENT

(Delivered on this 9th day of August,2017)

Heard Smt. K.N. Saboo, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents. The O.A. is being heard finally with consent of Id. counsels at the admission stage.

2. The applicant was initially appointed as a Junior Clerk by respondent no.2, i.e., Labour Court, Amravati vide order dated 8/2/1995. He was terminated by respondent no.3 as per the direction of respondent no.2 on 28/1/1997. Against the said termination order he filed O.A. 37/1997, but his claim was rejected. Against the rejection of the O.A., the applicant filed W.P.No. 1971/1998 before the Hon'ble High Court and the Hon'ble High Court was pleased to quash and set aside the termination of the applicant and consequently the order passed by this Tribunal. In view thereof the applicant resumed the service on 23/9/2004. He was thereafter promoted on 17/12/2007. In 2004 and 2005 some juniors to the applicant were promoted to the post of senior clerk and therefore the applicant filed representation on 10/3/2008. Again in December,2009 some juniors were promoted. The applicant was informed vide letter dated 2/2/2017 that his claim for promotion will be considered from 22/1/2004. The applicant has claimed that he is entitled to promotional post of senior clerk w.e.f.

22/1/2004 and therefore deemed date of promotion shall be given to him from 22/1/2004 and for the said purpose the respondents be directed to hold DPC meeting. According to the applicant on the basis of said deemed date of promotion to the post of senior clerk w.e.f. 22/1/2004 he be further promoted to the post of Court Clerk and hence this O.A.

3. The learned P.O. submitted that the application is premature and in fact it is not tenable since the applicant is an employee of Labour Court and the Tribunal has no jurisdiction to consider the claim of the employees belonging to Judicial Department which includes the Labour Court. This contention of the Id. P.O. cannot be accepted for the simple reason that earlier the claim of the applicant was considered by this Tribunal itself in O.A.No. 37/1997.

4. The learned P.O. submits that the claim of the applicant is premature in view of the communication dated 16/2/2017. The said letter is placed at Exh-Annex-A-18 by the applicant himself. Vide Exh-Annex-A-18 it has been informed by the Judge, Labour Court, Amravati to the applicant that his claim for deemed date of promotion w.e.f. 22/1/2004 is being placed before DPC. In view of this letter the applicant should have waited for decision of his claim in the DPC. The communication is dated 16/2/2017 and the applicant has filed this O.A. on 2/3/2017. As per the provisions of Section 19 of the

Maharashtra Administrative Tribunal Act, if a representation is made, the applicant has to wait for six months and if within six months his claim is not considered, he may file O.A. within one year thereafter. In the present case the respondent authority has already intimated to the applicant that his claim for deemed date of promotion has been sent to the DPC for proper consideration and therefore the applicant should have waited for decision on his claim at least for six months. The applicant's claim therefore seems to be premature in view of the letter dated 16/2/2017. Hence, the following order –

ORDER

The application stands dismissed being premature. The applicant will be at liberty to file separate O.A., in case his claim is not considered within six months. The respondents authority is however directed to see that DPC meeting be called to consider the claim of the applicant for deemed date of promotion as per the communication dated 16/2/2017 as early as possible and in any case within six months from the date of this order and the decision taken on the applicant's claim there under shall be communicated to the applicant in writing. No order as to costs.

(J.D. Kulkarni)
Vice-Chairman (J).