

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 33/2019 (D.B.)**

- 1) Shri Rajendra S/o Shenfad Jadhao,
Aged about 48 years, Occ. Service,
R/o Vaijyanath Nagar, Chikhali Road,
Buldana, District Buldana.
- 2) Shri Shivshankar S/o Ananda Bali,
Aged about 45 years, Occ. Service,
R/o Deulgaonmali, Tq. Mehkar, Dist. Buldana.
- 3) Shri Vishnu S/o Janardhan Humbad,
Aged about 44 years, Occ. Service,
R/o Gokuldharm, Buldana Road, Malkapur,
Tq. Malkapur, District Buldana.
- 4) Shri Anil S/o Suryabhan Bhoke,
Aged 47 years, Occ. Service,
R/o Rajeshwar Nagar, Buldana, Tq. & Dist. Buldana.
- 5) Shri Bhagwat S/o Maruji Khawale
Aged about 54 years, Occ. Service,
R/o Laxmi Nagar, Jagaon Jamot Road,
Nandura, Tq. Nandura, District Buldana.
- 6) Shri Gajanan S/o Ananda Bhonde,
Aged 45 years, Occ. Service,
R/o Mhasla (Kd), Post Mhasla (BK), Tq. & Dist. Buldana.
- 7) Shri Dnyaneshwar S/o Parasram Lakade,
Aged about 44 years, Occ. Service,
R/o Gajarkhed, Post Pimpalgaon Unda, Tq. Mehkar,
Dist. Buldana.
- 8) Shri Raju S/o Ganpat Sarode,
aged about 46 years, Occ. Service,
R/o Yashodham Colony, Malkapur, Tq. Malkapur,
Dist. Buldana.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Health Department, Mantralaya, Mumbai-32.
- 2) Joint Director of Health Services (Malaria & Fileria)
Department, Vishrantwadi, Yerwada Road, Pune-06.
- 3) Deputy Director of Health Service,
Akola Circle Behind Ladies Hospital,
Akola-444 001.
- 4) Assistant Director of Health Services (Malaria),
Akola Circle, Behind Ladies Hospital,
Akola-444 001.
- 5) District Malaria Officer, Buldana
Behind New Bus Stand, Buldana,
Tahsil and District Buldana.

Respondents.

Shri A.P. Sadavarte, Advocate for the applicant.

Shri P.N. Warjurkar, P.O. for respondents.

**Coram :- Shri Shree Bhagwan,
Vice-Chairman and
Shri Anand Karanjkar, Member (J).**

Dated :- 30/07/2020.

JUDGMENT

Per : Anand Karanjkar : Member (J).

Heard Shri A. P. Sadavarte, learned counsel for the applicants and Shri P.N. Warjurkar, learned P.O. for the respondents.

2. The applicants were promoted vide order dated 24/12/2018 on the posts of Health Assistant. All the applicants were relieved and thereafter they joined on the promotional posts. It is

grievance of the applicants that thereafter the District Malaria Officer issued order dated 18/01/2019 and cancelled the promotion order dated 24/12/2018 giving reason that such direction was issued by the Joint Director, Health Services. We have perused Annex-A-4, the impugned order. It is mentioned in the impugned order that the earlier promotion order was cancelled and there would be a process for the promotion by conciliation. The learned counsel for the applicant invited our attention to Page no.52, Annex-A-27. It is dated 2/1/2019. This is a copy of letter written by the Deputy Director, Health Services, Akola Circle to the Joint Director, Health Services, Pune. In this letter, it is mentioned that there is no provision in law or service rules for giving promotion by conciliation. We have also perused the letter dated 9/1/2019 written by the Joint Director, Health Services, Pune. In this letter, it was mentioned that there were irregularities when first promotion order was issued and complaints were received and consequently direction was given to the Deputy Director, Health Services, Akola circle to cancel the promotion. The entire contents of this letter are vague, the nature of the irregularities not disclosed, even the learned P.O. submitted that he cannot explain what were the irregularities. Once a person is promoted then as per the Service rules and principles of natural justice, his promotion cannot be withdrawn giving any vague reason. In the present matter without giving

opportunity of hearing, the impugned order Annex-A-4 was passed and promotions of all the applicants were cancelled. We have no hesitation in holding that the procedure followed by the respondents was apparently contrary to law and principles of natural justice. Hence, the impugned orders Annex-A-4 and Annex-A-5 are hereby set aside. Hence, we pass the following order –

ORDER

The O.A. stands allowed. The impugned orders Annex-A-4 and Annex-A-5 are hereby set aside. No order as to costs.

(Anand Karanjkar)
Member(J).

(Shree Bhagwan)
Vice-Chairman.

Dated :- 30/07/2020.

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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 V.C. and Member (J).

Judgment signed on : 03/08/2020.

Uploaded on : 03/08/2020.

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