

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 447/2017 (D.B.)

Roshan S/o Gangadharrao Bezalwar,
Aged about 33 years,
Occ. Service,
R/o C/o Shri Gangadharrao Annaldewar's House,
Near Dakshin Mukhi Hanuman Mandir,
R/o Allapalli, Tah. Aheri, Dist. Gadchiroli-442 705.

Applicant.

Versus

- 1) The State of Maharashtra,
through Secretary to the Government of
Maharashtra, Revenue and Forest Department,
Mantralaya, Mumbai-400 032.
- 2) Principal Chief Conservator of Forests,
Maharashtra State, Vanbhawan, Ragiri Road,
Civil Lines, Nagpur- 440 001.
- 3) Chief Conservator of Forests (Territorial),
Dr. Ambedkar Samajik Nyay Bhawan Complex,
Gadchiroli-442 605.

Respondents.

S/Shri A.M. & M.M. Sudame, Advocates for the applicant.

Shri A.M. Khadatkhar, P.O. for respondents.

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

Date of Reserving for Judgment : 19th November, 2019.

Date of Pronouncement of Judgment : 9th January, 2020.

JUDGMENT

Per : Vice- Chairman.

(Delivered on this 9th day of January, 2020)

Heard Ms. M.M. Sudame, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the respondents.

2. As submitted by the learned counsel for the applicant, the respondent no.3 i.e. the Chief Conservator of Forests (Territorial), Gadchiroli published an advertisement dated 29/12/2012 (A-1,P-25) for filling various posts of Group- D category. One of these posts was also the post of Arekas (Sharpener) in Forest Department in the pay scale of Rs.4400-7440/- Grade Pay Rs.1300/- (P-26). The applicant was selected and recommended for the post of 'Arekas' (Sharpener) in Allapalli Forest Division vide order dated 21/03/2013 (A-2,P-32). Consequent to this order, appointment letter of the applicant was issued vide order dated 01/04/2013 (A-3,P-34) by the Competent Authority.

3. Since the advertisement was for appointment of Group-D post, appointing the applicant on Group-C post was illegal and it was realised by the concerned authorities. Consequent to that, order dated 3/2/2014 (A-4,P-37) was issued wherein it was mentioned that earlier order dated 1/4/2013 was cancelled and order dated 3/2/2014 was given effect from 1/4/2013 i.e. from first date of appointment.

4. The learned counsel for the applicant has relied on previous order dated 1/4/2013 which has been already cancelled by subsequent order dated 3/2/2014.

5. The respondents in their reply para nos. 5&6, page no.122 have mentioned about this mistake and subsequent correction. It is also mentioned in para-8 that as per 'AKRUTI BAND' of Forest Department Arekas post is not a Class-C post. Since advertisement dated 29/12/2012 (A-1,P-25) itself was clear that appointment was only to Group-D posts and the applicant was fully aware of details of the advertisement and in response to that made an application and became successful candidate. Now it is illogical to claim to be Group-C employee.

6. In view of discussions in forgoing paras, we do not find any merit in relief clauses of applicant in para-8 of the O.A. So, this O.A. requires to be dismissed. Hence, the following order –

ORDER

The O.A. stands dismissed. No order as to costs.

(Anand Karanjkar)
Member(J).

(Shree Bhagwan)
Vice-Chairman.

Dated :- 09/01/2020.

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 : 09/01/2020.
and pronounced on

Uploaded on : 09/01/2020.