

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO. 477/2012.**

Dilip Atmaram Meshram,  
Aged about 47 years,  
Occ-Service as Sr. Clerk,  
R/o Adimaa Building, Vyanakyapura Road,  
Camp Amravati.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Department of Agriculture,  
Mantralaya, Mumbai-440 001.
- 2) The Agriculture Commissioner,  
Central Building, Pune-1.
- 3) The Divisional Joint Director of Agriculture,  
Amravati Division, Amravati.

**Respondents**

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Shri S.N. Gaikwad, Advocate for the applicant.  
Shri A.M. Ghogre, P.O. for respondents 1 to 3.

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**Coram:- Hon'ble Shri R.B. Malik, Member (J)**

**Dated: - 7<sup>th</sup> February 2017.**

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**Oral order**

This O.A. is an action seeking deemed date of promotion and is made by a handicapped employee. In fact, deemed date from 29.12.2003 to the post of Junior Clerk has already been given. But the applicant craves for deemed date from the year 1999.

2. I have perused the record and proceedings and heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

3. The applicant is handicapped employee suffering from 45% disability. He joined the service of respondent No.2 Commissioner of Agriculture in class-IV cadre and ultimately with a lot of efforts on his part he was promoted as Junior Clerk on 1.8.2005. But he could not get deemed date of promotion which, according to him he was entitled to from 1999.

4. I find on record at Annexure A-12 Page 28 an order in Marathi dated 23.3.2007 whereby the competent authority observed *inter alia* that the applicant came to be appointed from the category of physically handicapped employee. His case for deemed date was to be considered in the meeting on 29.12.2003. But on that date, case of physically handicapped employee was not considered. Inasmuch as the applicant was initially appointed in Class-IV category, he was to be treated as physically handicapped employee from the date of his initial appointment. There was a reference to the G.R. of 5.3.2002. Thereafter in the meeting of D.P.C. dated 5.3.2002, he was held eligible for the deemed date from 29.12.2003 and that was what was given to him.

5. The learned counsel for the applicant who very strongly canvassed the case for his client invited reference to a document which is placed on record. According to him, it shows that the applicant whose name is at Sr. No.34 was found eligible for the deemed date from 1999. In my opinion, learned P.O. is apparently right in highlighting one aspect of the matter, viz. that in 1999 there were 14 filled up posts in the category of the applicant and those many posts were sanctioned one and, therefore, there should have been, but there is no material to suggest that there was any wrongful denial of the claim of the applicant. Much less is there anything to suggest that anybody junior to him was taken over, his head and undue advantage was conferred on anybody to the detriment of the applicant. Merely because there were vacancies assuming they were there, will by itself be no ground to agitate the case with regard to the deemed date. Therefore, despite strenuous efforts of learned counsel for the applicant, I am afraid no case is made out for the deemed date and O.A. is accordingly dismissed with no order as to costs.

(R.B.Malik)  
Member (J)

pdg

