

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NO.50/2019.**

**(D.B.)**

- 1) Poonam Pranay Darwade,  
Aged about 40 years,  
Occ- Service,  
R/o Quarter No.E-2, Irrigation Colony,  
Ajni, Nagpur.
- 2) Yamuna Tarachand Wahane,  
Aged about 36 years,  
Occ- Service,  
R/o Type3-2,3/4, TAS Colony,  
Bhiwapur, Distt. Nagpur.
- 3) Nilesh Ramesh Bujade,  
Aged about 27 years,  
Occ- Service,  
R/o Kotuchi, Tahsil-Saoner,  
Distt. Nagpur.
- 4) Rajni Vishal Meshram,  
Aged about 30 years,  
Occ- Service,  
R/o Vaishali Nagar, Khat Road,  
Bhandara.
- 5) Shubhangi Suresh Wadgure,  
Aged about 25 years,  
Occ- Service,  
R/o Civil Lines, Gujri Ward,  
Bramhapuri, Distt. Chandrapur.

- 6) Manohar Bandu Jadhav,  
Aged about 34 years,  
Occ- Service,  
R/o Patbandhare Vasahat,  
Pipri Meghe, Wardha.
- 7) Seema Sharad Sahare,  
Aged about 38 years,  
Occ- Service,  
R/o Maya Nagar, Indora, Distt. Nagpur.
- 8) Shilpa Wasudeo Rehpade,  
Aged about 26 years,  
Occ- Service,  
R/o Gondia (M.S.)

**Applicants.**

**-Versus-**

- 1) The State of Maharashtra,  
Through its Principal Secretary,  
Department of Water Resources,  
Mantralaya, Mumbai-400 032.
- 2) The State of Maharashtra,  
Through its Principal Secretary,  
General Administration Department,  
Mantralaya, Mumbai-400 032.
- 3) The Superintending Engineer  
and Circle Officer, Vigilance Unit,  
(Nagpur Circle), Irrigation Department,  
Sinchan Bhavan, Civil Lines,  
Nagpur.

**Respondents**

---

Shri S.C. Deshmukh, the learned counsel for the applicants.  
Shri H.K. Pande, the learned P.O. for respondents.

---

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

---

**ORAL JUDGMENT**

(Passed on this 27<sup>th</sup> day of June 2019.)

**Per:-Member (J)**

Heard Shri S.C. Deshmukh, the learned counsel for the applicants and Shri H.K. Pande, the learned P.O. for the respondents and perused the documents filed on record.

2. The applicants are in service on the establishment of respondent No.3 as Peon / Watchman. All of them are Class-IV employees. It is contention of the applicants that their names were in the seniority list and they were eligible for promotion as per the then existing rules to the post of Clerk-cum-Typist. It is grievance of the applicants that, the respondent No.1 superseded the existing rules for promotions to Class-IV employees. The respondent No.1 i.e. the Govt. of Maharashtra brought into force the rules dated 6.6.2017 and by these rules, decision was taken that the person to be promoted as Clerk-cum-Typist must possess a degree of recognized university and he must possess certificate of recognized Institution to the effect that he has knowledge of typing or operating computer.

3. As per these rules, the respondent No.3 published seniority list and as the applicants were not graduates, their names were deleted from the seniority list.

4. It was apprehension of the applicants that the department would not consider them for promotion on the post of Clerk-cum-Typist, consequently, the applicants filed O.A. challenging action of the respondents. It was submitted by the applicants before this Bench on 31.1.2019 that the respondent No.3 was intending to promote Class-IV employees on the basis of rules dated 6.6.2017 and, therefore, requested to restrain the respondent No.3 from issuing promotion orders. After hearing both sides, this Bench passed the order on 31.1.2019 to the effect that if any promotion be made, that will be subject to the final outcome of the O.A.

5. Today matter came before this Bench for final hearing, the Ld. P.O. produced before this Bench a letter dated 25<sup>th</sup> June 2019 received by him from the Superintending Engineer, Water Resources Department, Nagpur. Alongwith this letter, the rules framed by the Government as amended vide notification dated 11.6.2019 are produced. As per this notification, this amendment came into force w.e.f. 6.6.2017 and again the Government reduced educational qualification of Class-IV employees for their promotion to the post of Clerk-cum-Typist and instead of graduation, requirement is made SSC examination passed. On the basis of this amended provision, it is informed by the Superintending Engineer, Water

Resources Department, Nagpur that as per amendment, further proceedings will be done for the promotion to Class-IV employees.

6. It is brought to our notice that during the pendency of the O.A., some Class-IV employees who were graduates are promoted. In this background, we direct respondent No.3 to prepare seniority list of eligible Class-IV employees as per the amended rules vide notification dated 11.6.2019 and then to decide issue of promotion. Promotions which are given during the pendency of this O.A. were subject to final outcome of this O.A. which are liable to be set aside. Even in the promotion orders dated 7.3.2019, it is specifically mentioned that the promotion orders were issued subject to final outcome of O.A. Nos. 49/2019 and 50/2019 and said promotions were liable to be cancelled without giving any opportunity of hearing to the respective candidates.

7. In view of above discussion, we proceed to pass the following order:-

### **ORDER**

- (i) The respondents are directed to comply the directions issued in last paragraph and consider the applicants, if they are eligible as per amended rules for the promotion.

- (ii) O.A. stands disposed of.
- (iii) No order as to costs.

(Anand Karanjkar)  
Member (J)

(Shree Bhagwan)  
Vice-Chairman

Dt. 27<sup>th</sup> June 2019.

pdg