

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR.**

**ORIGINAL APPLICATION NO.516/2004.**

Ratan Sitaram Kulmethe,  
Aged about 58 years,  
Occ-Taluka Inspector of Land Records (Retd.),  
R/o Salve Colony, Tukum,  
Chandrapur.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai-32.
2. The Settlement Commissioner and  
Director of Land Records,  
Pune.
3. The Dy. Director of Land Records,  
Nagpur.

**Respondents.**

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Shri Sunil Pande, Advocate holding for Shri M.M. Sudame, the Ld. Advocate for the applicant.

Mrs. M.A. Barabde, Ld. P.O. for the respondents.

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**Coram:- B. Majumdar, Vice-Chairman and  
Justice M.N. Gilani, Member (J).**

**Dated:- 14<sup>th</sup> July, 2014.**

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**Order**

**Per: Member (J)**

In this O.A., the applicant has prayed various reliefs, like correction in the seniority list, allowing him to cross the efficiency bar from a particular date, deemed date of promotion etc.

2. The applicant joined the Department of Land Records (R.2) as Junior Clerk. In the course of time, he was promoted to the post of Senior Clerk and thereafter to the post of Assistant Consolidation Officer, Class-II. His service tenure has a chequered history, in the sense that, on number of occasions, he was placed under suspension followed by reinstatement and departmental enquiry was

also initiated against him. Meanwhile, he was promoted to Class-II post. He retired on superannuation w.e.f. 30.6.2004.

3. We have heard the learned counsel for both the parties. Reliefs sought in paras 8.1, 8.2, 8.4, 8.5, 8.6 and 8.8 are clearly barred by limitation. The applicant has challenged the penalty of censure imposed on him vide order dated 26.5.2004. It seems that, after filing of this O.A. the applicant preferred departmental appeal and in that he succeeded. This has been clarified in para 8 of the written reply filed on behalf of the respondents. It is stated that the Settlement Commissioner and Director of Land Records (M.S.), Pune set aside the order of censure on 11.1.2005. Thus, on this ground, cause of action does not survive.

4. The grievance relating to the period of suspension, also does not arise. In para 8, it is clarified that the period of suspension between 12.12.2001 and 24.3.2003 has been treated as period spent on duty vide order dated 8.4.2005. This order is also passed by the Settlement Commissioner and Director of Land Records (M.S.), Pune.

5. Only issue survives is the non-consideration of the candidature of the applicant for promotional post. In para 14, the respondents gave vivid account as to how the promotion to the cadre of Superintendent of Land Records, Class-I, is made and what procedure is followed in that regard. It is stated that because of suspension of the applicant during the period from 11.12.2001 to 6.3.2003, his confidential reports were not written. It is further categorically stated that, "taking into consideration the above facts, the Departmental Promotion Committee will consider the case of the applicant for promotion. In view of the facts that the applicant has retired from Government service w.e.f. 30.6.2004, he

should apply to the competent authority for his claim regarding promotion. Till today, he has not applied to this respondent and hence the contention of the applicant is not tenable and is as such denied”.

6. Frankly speaking, this Tribunal was loath to consider the claim of the applicant for promotional post, particularly having regard to his past antecedents, but for the aforesaid admission. It is well settled that every Government servant has right to be considered for the promotional post. It is different matter that on consideration of his service record whether he is actually promoted or denied the same. For that, he is not expected to make the application. Keeping this aspect of the matter in view and the categorical admission reproduced hereinabove, O.A. stands disposed of with the following directions:

(i) It is directed that the case of the applicant for promotion to the higher post be placed before the Departmental Promotion Committee and in turn the Committee having regard to the service record and relevant rules, shall consider the same as expeditiously as possible and preferably within six months from the date of passing of this order and whatever decision taken thereon be communicated to the applicant.

(Justice M.N.Gilani)  
Member (J)

(B.Majumdar)  
Vice-Chairman

