

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.321/2018

AND

ORIGINAL APPLICATION NO.540/2018. (D.B.)

1. Prakash Baldev Waghe,
Occ-Range Forest Officer, Social Forestry,
Seminary Hills, Nagpur.
2. Dilip Tryambak Dudhe ,
Occ-Range Forest Officer, Arvi, Dist. Wardha.
3. Ravindra Murlidhar Ghadge,
Occ-Range Forest Officer, Butibori,
Tehsil-Nagpur (Gramin), Dist. Nagpur.
4. Sadashiv Govinda Awgan,
Occ-Range Forest Officer, Salekasa,
Distt. Gondia.
5. Vijay Vasant Rao Talnikar,
Occ-Range Forest Officer, Civil Colony,
Near Nagar Parishad Garden, Deulgaon Raja,
Distt. Buldhana.
6. Devrao Sadashivrao Tale,
Occ-Range Forest Officer, Social Forestry,
Mehkar, Distt. Buldhana.
7. Abhay Sharadrao Talhan,
Occ-Range Forest Officer, Kharangna
Tq. Arvi, Dist. Wardha.

8. Raju Sargerao Atole,
Occ-Range Forest Officer, Koregaon,
Near PWD Office, Koregaon,
Ditt. Satara.
9. Bharat Dnyandev Koli,
Occ-Range Forest Officer, Lakhni,
Distt. Bhandara
10. Nilesh Rameshhrao Gawande,
Occ-Range Forest Officer, Kalmeshwar,
Distt. Nagpur.
11. Nilay Sureshrao Bhoge,
Occ-Range Forest Officer, Bhandara.
12. Kanteshwar Vithobaji Bolke,
Occ-Range Forest Officer, Plot No.130,
Jaydurga Housing Society, Ashirwad Nagar,
Godhni Road, Zingabai Takli, Nagpur.
13. Sachin Nanasaheb Dombale,
Occ-Range Forest Officer,
Near Post Office, Medha, Tq. Jaoli,
Distt. Satara.
14. Vijaykumar Sitaram Kadam,
Occ-Range Forest Officer, Tiroad,
Rly. Station Road, Tiroda, Dist. Gondia.
15. Sunil Udaybhan Madavi,
Occ-Range Forest Officer, Lendezari,
Tq. Tumsar, Distt. Bhandara.
16. Gajanan Vishwanath Dhande,
Occ-Range Forest Officer, Sawali,
Dist. Chandrapur.
17. Prakash Santoshrao Tadas,
Occ-Range Forest Officer,
65, Khankhuje Nagar, Road No.3, Manewada Road,
Near Waghmare Kawelu, Nagpur-24.

18. Suresh Dhondiram Warak,
Occ-Range Forest Officer,
Deep Mandir Co-operative Society,
Bldg. No.91, B Wing, Flat No.604, Tilak Nagar,
Chembur, Mumbai-89.
19. Shankar Madhukar Madavi,
Occ-Range Forest Officer, Mahavir Nagar 2,
Darva Road, Yavatmal.
20. Yuvraj Sadashiv Patil,
Occ-Range Forest Officer, Kalyani Colony,
Peth Wadgaon, Tq. Hatklangle, Dist. Kolhapur.
21. Manoj Krushnarao Ghadve,
Occ-Range Forest Officer, Bedgaon,
Tq. Korchi, Distt. Gadchiroli.
22. Nitin Vasantrao Wankhede,
Occ-Range Forest Officer,
HanumanNagar, House No.54,
Yavatmal.
23. Gajay Babarao Lambade,
Occ-Range Forest Officer,
House No.1016, Gajanan Township,
Kathora Road, Amravati.
24. Manoj Digambar Mohite,
Occ-Range Forest Officer, Social Forestry,
Seminary Hills, Nagpur.
25. Raghvendra Gowardhan Moon,
Occ-Range Forest Officer,
Near Pathanpura Gate, Milind Nagar,
Chandrapur.
26. DarshanVijay Thakur,
Occ-Range Forest Officer,
Matoshri Paranjape Nagar, Pandit Naka,
Cherpoli, Tq. Shahpur, Distt. Thane.

27. Pravin Nihalsingh Naik,
Occ-Range Forest Officer, Khapa,
Tq. Saoner, Distt. Nagpur.

28. AnandManohar Meshram,
Occ-Range Forest Officer, Social Forestry,
Jamnar Road, Sakoli,
Distt. Bhandara.

Applicants.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Forests,
Mantralaya Mumbai-400 032.

29. The Principal Chief Conservator of Forests,
State of Maharashtra, Nagpur.

Respondents

Shri N.R. Saboo, the Ld. Advocate for the applicants.
Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

Coram:-Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shri Shree Bhagwan, Member (A)

ORDER ORDER

(Passed on this 31st day of October 2018.)

Per:Vice-Chairman (J)

Heard Shri N.R. Saboo, the learned counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the respondents.

2. The applicants are working on the posts of Range Forest Officer and have challenged the action of respondent No.2 i.e. the Additional Principal Chief Conservator of Forests, Nagpur, who under the garb of publication of seniority list of Range Forest Officers alongwith a Circular dated 29.7.2017 as well as for publishing the prevailing seniority list dated 31.12.2017 and modifying deemed date of seniority granted to the applicant on 1.2.1999 and 13.2.2016 and ignoring the names of the applicant Nos. 10 to 12 and 18 to 21 in the seniority list. The learned counsel for the applicants has invited our attention to a Chart placed on record at Annexure A-9 at page No.71, from which it seems that the applicants at Sr. Nos. 1 to 9 and 13 to 14 were given deemed date of seniority to the post of Range Forest Officers on different dates mentioned before their names and this deemed date of seniority ranges from 24.8.2009 to 15.12.2011. In the seniority list, of 2012, these applicants were shown giving seniority after the date mentioned before their names. The said seniority was also maintained in the seniority list of 2013. But all of a sudden, in the seniority list of 2017, seniority was modified and the applicants at Sr. Nos. 1 to 9 and 13 to 15 in the list were shown to be senior w.e.f. 21.7.2015 and the applicants at Sr. Nos. 17 to 28 in the said list are not even given seniority numbers and their names

were not found in the seniority list. All this has been done without notice to the applicants. The applicants were not even heard before challenging their seniority level. The applicants filed applications. A copy of which is at page Nos. 106 to 112, 122 to 124 and 124 to 127. None of these representations are considered by the respondents. The applicants have, therefore, filed C.A. for direction to the respondents from restraining them to fill in the posts of Assistant Conservator of Forests on the basis of such defaulted seniority list. It is an admitted fact that, the representations of the applicants are not considered and they were not even given an opportunity. In such circumstances, it will be in the interest of justice, if the respondents are restrained from conveying a meeting of D.P.C. in view of information called by the respondent authorities as per letter dated 15.10.2018 (page 8 & 9 in the C.A.).

5. In view thereof, we proceed to pass the following order:-

ORDER

- (i) The O.A. is partly allowed.
- (ii) Instead of quashing and setting aside the impugned modification of deemed date of

seniority granted to the applicants vide circular dated 19.6.2017, we direct the respondents to consider the representation filed by the applicants as regards action of modification of their seniority.

- (iii) The applicants shall be given an opportunity of being heard before finalizing the seniority list and only after finalizing the seniority list, D.P.C. meeting be convened.
- (iv) The respondents are directed to take action as stated above within a period of **two months** from the date of this order by giving an opportunity to the applicants to put their grievances.
- (v) All points raised in this O.A. are kept open, and the applicants will be at liberty to file separate O.A, if they are aggrieved by any order passed by the respondent authorities.
- (vi) The C.A. as well as the O.A. stand disposed of.
- (vii) No order as to costs.
- (viii) Steno copies be provided to both the parties.

(Shree Bhagwan)
Member (A)

(J.D.Kulkarni)
Vice-Chairman (J)

