

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 625/2007

Shri Sukhdeo s/o Mahadeo Mankar,
Aged about 45 years, Occ. Accountant,
(Gondia Division), R/o Civil Lines,
Gondia.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Ministry of Revenue & Forest Department,
Mantralaya, Mumbai-32.
- 2) The Additional Chief Conservator of Forest,
Human Resource Management & Administration,
Maharashtra State, Nagpur.
- 3) Chief Conservator of Forest (Regional),
Nagpur Forest Division, Nagpur.
- 4) Deputy Conservator of Forest,
Gondia Forest Division, Gondia.

Respondents

**Shri G.N. Khanzode, P.G. Salunke, A.B.Moon, Advs. for the
applicant.**

Shri H.K. Pande, P.O. for the respondents.

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

Dated :- 15/02/2017.

ORAL ORDER -

This decade old O.A. throws up for determination the issue of grant of deemed date to the applicant.

2. I have perused the record and proceedings and heard Shri G.N. Khanzode, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

3. A very detailed discussion is really not necessary. The applicant holds the post of Chief Accountant in the office of respondent no.3, Chief Conservator of Forests, Nagpur. The respondent no.1 is the State of Maharashtra in Revenue and Forest Department. The respondent no.2 is the Additional Chief Conservator of Forest and as such an authority superior to the respondent no.3. The respondent no.4 Dy. Conservator of Forest, Gondia is apparently sub ordinate to respondent no.3. The issue of grant of deemed date has been hanging fire for long and in that connection the applicant claims the deemed date from the date of promotion to the post of Accountant of Shri V.B. Gundatwar and Shri S.D. Badghare. It appears on the basis of the order of respondent no.3 dated 21-8-2015 that the said Shri Gundatwar passed away on 5-1-2015. Incidentally his O.A. was also pending.

4. There is a communication from the respondent no.3 to the respondent no.2 dated 16-3-2012. It is at page 60 of the P.B. There is yet another communication dated 12-4-2010 at page 58 of the P.B. By these two communications for all practical purposes, the third respondent requested the second respondent who is his superior to favourably consider and grant the deemed date as claimed by the present applicant herein to him. It is again a common ground that the response of the second respondent thereto is still awaited. As an authority competent to do the needful it will be for the second respondent to quickly respond so what if a period of 5 years have already lapsed. The record shows that it may be even otherwise that for the recommendation of third respondent there are good reasons to believe that there is substance in his recommendation. In my opinion therefore I should be giving a very short time to the said respondent no.2 to take a proper decision hereon and if he fails to do so within that time limit without any further reference to the Tribunal or without any need to go for any other legal course of action the said relief shall be deemed to have been granted to the applicant.

5. The respondent no.2 is hereby directed to take a decision on the two communications referred to hereinabove which are at page nos. 58 & 60 of the P.B. hereof within six weeks from today and communicate the outcome thereof to the applicant within

one week. It is directed that in case this time limit is not kept by the second respondent, the authorities shall take it that a case for deemed date as claimed by the applicant is made out and shall act in accordance therewith. This O.A. is disposed of in these terms, with no order as to costs.

(R.B.Malik)
Member (J).

dnk.