

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO.684/2013.

Mohd. Rafiullakhan s/o Nurullakhan,
Aged about 63 years,
Occ- Retired B.D.O.,
R/o Mansinghpura, Deulgaon Raja,
Distt. Buldana.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Rural Development,
Mantralaya, Mumbai-32.
2. The Education Officer (Primary),
Zilla Parishad, Buldana.
3. The Chief Executive Officer,
Zilla Parishad, Buldana.
4. The Divisional Commissioner,
Amravati Division, Amravati.

Respondents.

Shri G.G. Bade, the Ld. Advocate for the applicant.

Shri M.I. Khan, the Ld. P.O. for the respondents.

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

Dated:- 22nd August, 2014.

Order

Per: Member (J)

The learned counsel for the parties have been heard
on the issue of limitation.

2. The applicant joined as Junior Extension Officer in
the year 1973. In the year 1984, he obtained B.Ed. degree.

According to him, as per the G.R. dated 15.11.1981, he was entitled to be promoted to the post of Senior Extension Officer w.e.f. 28.8.1984. However, he was granted such promotion w.e.f. 28.10.1984. Thereafter he came to be promoted to the post of Block Development Officer. For that, he preferred O.A. No.860/2009 which came to be disposed of by this Tribunal on 31.8.2012. Only relief granted to the applicant was in the nature of liberty to pursue his representations dated 13.7.2012 and 26.7.2012.

3. The applicant seeks relief in the nature of directing the respondents to grant him deemed date of promotion on the post of Senior Extension Officer w.e.f. 28.8.1984 and further grant time bound promotion on completion of 24 years of service to be reckoned from 28.8.1984.

4. Prima facie, both the reliefs are hopelessly barred by limitation since the O.A. has been filed on 7.10.2013. Even 21.8.2008 is stated to be the date of cause of action, still the O.A. appears to have been filed four years beyond the period of limitation. It is pertinent to note that no application for condonation of delay is accompanying this O.A. In that view of the matter, this O.A. is liable to be dismissed on the ground of limitation.

5. During the course of hearing, the learned counsel for the applicant submitted C.A. No. 330/2014 praying for directions to

the respondent No.4 to consider his proposal dated 7.7.2009. But it is very strange that in an earlier O.A.No.860/2009, the applicant sought liberty to pursue representations dated 13.7.2012 and 26.7.2012. Now, he is coming with the case that the proposal dated 7.7.2009 forwarded by the respondent No.3 to the respondent No.4 be directed to be considered within stipulated time. Copy of the proposal is at Annexure A-7. It is stated therein that by acceding to the request of the applicant, no additional financial burden will be cast on the public exchequer. We do not find any hurdle in giving direction to the respondent No.4 to take decision on the proposal (Annexure A-7) dated 7.7.2009 submitted to it by the respondent No.3, within a reasonable time. However, we make it clear that outcome of this O.A. shall be the ground to extend the period of limitation to seek any relief, similar to the relief sought in this O.A.

6. With the above observation, O.A. stands dismissed with no order as to costs.

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

(B.Majumdar)
Vice-Chairman

