

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.691 OF 2015**

DISTRICT : MUMBAI

1. Shri Anna Sampat Phadtare,)
Under Secretary,)
Cooperation, Marketing & Textile Department))
Mantralaya, Mumbai 400032)
and present on deputation to)
Shivshahi Punarvasa Project,)
Bandra (East), Mumbai and residing at)
003, Vrindavan Avenue, Shanti Park,)
Mira Road, District Thane)
2. Shri Ganesh Tukaram Jadhao,)
Desk Officer, Food, Civil Supply and)
Consumer Protection Department,)
Mantralaya, Mumbai and residing at)
F-2, New Om Sai CHS Ltd., Tarun Bharat)
Road, J.B. Nagar, Andheri (East), Mumbai 59)..Applicants

Versus

1. The Government of Maharashtra,)
Through the Secretary,)



General Administration Department,)
Mantralaya, Mumbai 400032)

2. Government of Maharashtra,)
Through Principal Secretary,)
General Administration Department,)
B.C. Cell 16(B), Mantralaya, Mumbai 400032)..Respondents

Shri M.D. Lonkar – Advocate for the Applicants

Shri A.J. Chougule – Presenting Officer for the Respondents

CORAM : Rajiv Agarwal, Vice-Chairman
R.B. Malik, Member (J)
DATE : 1st July, 2016
PER : R.B. Malik, Member (J)

J U D G M E N T

1. This OA has been heard extensively but can be disposed off on a short but momentous point.

2. The two applicants have challenged the orders dated 3.1.2015 whereby their representations came to be rejected in the seniority related matter. Further relief consistently with the just noted one is claimed by way of prayer clause (b). Applicant No.1 Shri Anna Sampat Phadtare is working as Under Secretary, Cooperation, Marketing and Textile Department while applicant no.2



Shri Ganesh Tukaram Jadhao is working as Section Officer, Food, Civil Supply and Consumer Protection Department.

3. We have perused the record and proceedings and heard Shri M.D. Lonkar, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents. The Ld. PO is instructed by Shri Gajanan B. Gurav, Under Secretary, GAD (14).

4. It is not necessary to set out in great detail the facts as already noted above. There is a provisional seniority list of Section Officers published on 3.1.2015. It is exfacie very clear that it is a provisional seniority list and has not been finalized so far. That being the state of affairs we do not think that provisional seniority lists are justiciable, in the sense this term is understood because of the inherent nomenclature itself. That list is at Exhibit A page 23 of the paper book. As far as Exhibit B page 36 of the paper book is concerned it on the face of it seeks to regularize the rules about the promotions given to the said Section Officers and, therefore, that is also clearly inter-dependent upon publication of final seniority list. It is very clear that any amount of discussion of facts or law when the list is still provisional would be clearly futile and, therefore, the only course open to us is to give directions that the said list should be finalized and should be done after clearing all the intervening steps.

5. Hearing the rival submissions we are so disposed as to hold that a period of six months will be just and proper but it must



be made clear which we hereby do that the respondents must do everything necessary to be done in this behalf within this period of six months and no further extension should be asked for because none shall be granted.

6. We, therefore, direct the disposal of this OA in terms of the directions in the preceding para with no order as to costs. It is made clear that post publication of the final seniority list it will be open to those aggrieved including the applicants ~~they are~~ to ventilate their grievances by way of procedure known to law and all contentions are kept open.

Sd/-
(R.B. Malik)
Member (J)
1.7.2016

Sd/-
(Rajiv Agarwal)
Vice-Chairman
1.7.2016

Date : 1st July, 2016

Dictation taken by: S.G. Jawalkar.

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