

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NO.858/2009.**

**(D.B.)**

Rajesh Gopalrao Lande,  
Aged about 45 years,  
R/o Yashwant Apartment, 1<sup>st</sup> floor,  
Ravinagar, Amravati-421 606.

**Applicant.**

**-Versus-**

- 1) The State of Maharashtra,  
Through its Principal Secretary,  
Department of Finance,  
Mantralaya, Mumbai-400 032.
- 2) The Director of Accounts and Treasuries,  
Free Press Journal Road, Opp. Mantralaya,  
Mumbai-21.
- 3) The Maharashtra Public Service Commission,  
Through its Secretary,  
Bank of India Building, Fort, Mumbai.
- 4) Shri A.S. Waghvase,  
Pay and Accounts Officer,  
Free Press Journal Road, Opp. Mantralaya,  
Mumbai-21.
- 5) Shri P.D. Shende,  
Comptroller (Finance),  
Maharashtra Housing and Area Development Authority,  
Mumbai.
- 6) Shri A.R. Dahiphale,  
Senior Accounts Officer,  
Zilla Parishad, Jalna.

- 7) Shri P.P. Sawalakhe,  
Chief Accounts and Finance Officer,  
Zilla Parishad Bhandara.
- 8) Smt. J.J. Zakeriya,  
Assistant Director, (Accounts),  
Mul Nyaya Shakha (Original Judicial Side),  
High Court, Mumbai.

**Respondents**

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Shri Bharat Kulkarni, the learned counsel for the applicant.  
Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 3.  
None appeared for respondent Nos. 4 to 8.

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**Coram:-Shri Shree Bhagwan, Member (A)**  
**and Shri A.D. Karanjkar, Member (J)**

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**JUDGMENT**

**Per: Member (A)**

(Delivered on this 8<sup>th</sup> day of February 2019.)

Heard Shri Bharat Kulkarni, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent Nos. 1 to 3. None appeared for respondent Nos. 4 to 8.

2. The applicant, a Chief Auditor working in Municipal Corporation, Amravati in Class-I cadre was appointed by the Government, as a direct recruit by nomination through Maharashtra Public Service Commission (In short MPSC). The applicant joined the service in Maharashtra Finance and Accounts Service, Class-I (Junior) cadre on 24.9.1998 under the administrative control of Finance Department of Govt. of Maharashtra. The applicant was

aggrieved by the seniority list published by the Government i.e. respondent No.1 on 17.6.2009. The applicant has sent representation / objections on 2.6.2009 on the provisional seniority list, but it was in vain. Representation sent by the applicant was not considered and his objections have not been complied with by the respondent No.1.

3. The Principal Seat of this Tribunal at Mumbai decided the matter on 25.2.2009 regarding the fixation of seniority of Maharashtra Finance and Accounts Service, Class-I (Junior) cadre officers vide O.A. No. 403/2008 and had issued directions to the respondent Nos. 1 to 3 to prepare and publish the final seniority list of those officers since 1996 within a period of two months and restricted the promotions from either cadre to the post of M.F. & A.S., Class-I (senior) grade unless the seniority list was prepared as per its directions. But, the respondents did not follow the directions issued by this Tribunal and hurriedly prepared the seniority list and the same was finalized and published on 18.5.2009 within a month. The applicant had raised objections for the same, but the respondent authorities did not pay any heed to the representation of the applicant. Being aggrieved by the same, the applicant has approached this Tribunal by filing the present O.A.

4. The respondent Nos. 1 and 2 have filed their affidavit in reply and denied the contentions raised by the applicant in his application about his grievance in toto.

5. The respondent no.1 have published, vide G.R. dated 17.2.2009 (Annexure A-1) seniority list as on 1.1.1997 to 1.1.2007 in O.A. No. 403/2008, order was delivered on 25.2.2009 by the Principal Bench of this Tribunal at Mumbai. In the said judgment, criteria had been laid down for preparing seniority list at para 14 (i) to (v) in para No.15 of the judgment. However, as per the record available, it seems that the respondent No.4 Shri A.S. Waghmare, respondent No.6 Shri A.R.Dahiphale, respondent No.7 Shri P.P. Sawwalakhe, respondent No.8 Smt. J.J. Zakeriya and many other employees' seniority vis-à-vis the applicant is not fixed as per the guidelines given in the said judgment. As per record submitted by the learned counsel for the applicant, following chart is shown which is against the finalization of seniority principle:-

R. No	Name	Seniority for 1.1.2000. Sr.No./ Page.	Seniority Given from the date	Date of passing departmental examination	Date of birth and eligible for exemption at the age of 45	Seniority given	Applicant pass exam. Not pass exempt	Remarks if any.
4	A.S. Waghmare	61 / Page 58	3.1.1994	Not pass Exam.	19.6.1956 19.6.2001	3.1.1994 Required from 2001	170/ P.64 1998/99 pass	Seniority above applicant.
5	P.D. Shende	15/ Page 52	1.1.1992	Exam.pass 1999	27.9.1955 9/2000	1.1.1992	Required From 1999	
6.	Dahifale	119/ Page 60	8.1.1997	Not pass exam.	1.5.1955 5/2000	8.1.1997	5/2000	

7.	Sawalakhe	112/ Page 59	8.1.1997	Not pass Exam.	7.1.1954	8.1.1997	8.1.1997	
8.	Smt. Zakariya	129/ Page 61	1.1.1998	Not pass Exam.	9.2.1959	1.1.1998		Required 2/2004.

6. In view of this, the respondent Nos. 1 and 2 are required to finalize the seniority list as per the order of Principal Bench of this Tribunal at Mumbai. Hence, we proceed to pass the following order:-

### **ORDER**

- (i) The O.A. is allowed and the seniority list finalized vide G.R. dated 17.2.2009 (A-1) is quashed and set aside.
- (ii) The respondent No.1 is directed to follow all the procedures laid down in judgment in O.A. No. 403/2008 delivered on 25.2.2009 in para No. 15 (i) to (v) from 1.1.1997 by M.A.T., Principal Bench, Mumbai.
- (iii) This exercise be completed within a period of four months from the date of this order. Till that time, no promotional action should be taken as per G.R. dated 17.2.2009 (A-1).
- (iv) No order as to costs.

(A.D. Karanjkar)  
Member (J)

(Shree Bhagwan)  
Member (A)

