

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 955 of 2021 (S.B.)**

Arun Namdeorao Zade,  
Aged about 63 years, Occ. Retired from service,  
R/o "Duryang" Residency-3, Plot No.17A,  
Green Planet, Colony, Omkar Nagar, Nagpur-440 027.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Department of Revenue,  
Mantralaya, Mumbai & Ors.
- 2) Divisional Commissioner, Nagpur Division,  
Nagpur.
- 3) The Collector, Chandrapur.

**Respondents.**

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**Shri N.R. Saboo, Advocate for the applicant.**

**Shri A.M. Khadatkhar, P.O. for respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Vice Chairman.**

**Dated :- 22/09/2022.**

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**JUDGMENT**

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

2. The case of the applicant in short is as under –

The applicant was working as a Mandal Officer. He was  
due for promotion on the post of Naib Tahsildar in the year 2012 as  
per seniority list of the Mandal Officer notified by the Divisional  
Commissioner dated 01/01/2012. The DPC did not recommend the

name of applicant on the ground that applicant was facing one criminal case. The applicant was acquitted on 12/06/2017. The respondents have promoted Junior to applicant namely Shri P.S. Akojwar whose name was at Sr.No.89 in the seniority list, whereas, the name of applicant was at Sr.No.82 in the seniority list. The applicant made representation on 05/12/2017. The Divisional Commissioner, Nagpur submitted detailed proposal dated 19/03/2020 to respondent no.1 submitting that Shri P.S. Akojwar was junior to the applicant was promoted on 16/10/2012 and therefore, the applicant is entitled for deemed date of promotion w.e.f. 16/10/2012. The respondent no.2 filed reply and in para-6 of the reply it is stated as follows –

*“ (6) It is submitted that, the respondent no.1 vide letter dated 19/04/2021 directed answering respondent to send self evident and detailed proposal in respect of the applicant for granting him the deemed date of promotion. That, in view of said directions issued by respondent no.1 the answering respondent have forwarded the self evident and detailed proposal for granting the applicant the deemed date of promotion as requested by him on 30/12/2021.”*

3. There is no dispute that junior of the applicant namely Shri P.S. Akojwar was promoted on 16/10/2012. The applicant was due for promotion, but he was not considered. The proposal is already submitted to the Government, till date it is not decided. The applicant

is now retired. Therefore, he is entitled for deemed date of promotion for the purpose of pensionary benefits. Hence, the following order –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The respondent no.1 the State of Maharashtra is directed to grant deemed date of promotion to the applicant from 16/10/2012 as per the proposal submitted by respondent no.2 dated 19/03/2020.
- (iii) The respondent no.1/2 is directed to take decision within two months from the date of receipt of this order.
- (iv) No order as to costs.

**Dated** :- 22/09/2022.

dnk.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman

Judgment signed on : 22/09/2022

Uploaded on : 22/09/2022.

ok\*