MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 35 OF 2015

DISTRICT:- JALNA

Ganesh s/o. Jairam Anmod,
Age : 49 years, Occ. Service as Talathi
Presently posted at Sajja Dudha,
Tq. Mantha, Dist. Jalna. **...APPLICANT**

V E R S U S

1. The State of Maharashtra,
   Through the District Collector, Jalna.

2. The Committee for promotion suitability
   to the post of Circle Officer, falling within
   the jurisdiction of Jalna District,
   c/o. District Collector, Jalna. **... RESPONDENTS**

APPEARANCE : Shri Hemant Surve, Advocate for the Applicants.
: Shri D.R. Patil, Presenting Officer for the respondents.

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)

PER : JUSTICE A.H.JOSHI, CHAIRMAN

Reserved on : 02-04-2019
Pronounced on : 22.04.2019

O R D E R

1. Heard Shri Hemant Surve learned Advocate for the Applicant and Shri D.R.Patil learned Presenting Officer for the respondents. Perused the record.

2. Applicant has approached this Tribunal with following prayers:

> "*(B) By issuance of Writ of Certiorari, or any other Writ, order or direction in the said nature, the impugned orders of the promotion issued to the juniors of the applicants from time to time from post of Talathi to post of Circle Officers in the furtherance to the DPC conducted on 18-12-2010 and last such order issued to one Mr. D. B. Bele on 15-05-2014, by ignoring the candidature of the applicant on erroneous grounds, may kindly be quashed and set aside.*
>
> *(C) By issuance of Writ of Mandamus, or any other Writ, order or direction in the said nature, the respondents be commanded to consider the candidature of the applicant to the post of Circle Officer, in light of the orders of the Honourable the High Court, passed in Writ Petition No.6961 of 2005*;"
>
> (Quoted from paper book page 8)

3. The applicant has claimed as a foundation for relief sought on the ground that his juniors are promoted and that promotion is a right being based on reasonable expectation.

4. Averments which are foundation of O.A. have been answered by the respondents by filing affidavit in reply. In the affidavit in reply respondents have pleaded in paragraph 14 as follows:

> *"14. As regards Para No.4(12 to 13) of the application I say and submit that the contents are totally false hence denied by the respondent on the ground that the respondent has taken too much care for making promotional orders. The D.P.C. is lawful authority regarding promotion matter due to that the respondent has taken due care for preparing promotional list."*
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> (Quoted from paper book page 42)

5. This O.A. was filed on 05-12-2014 and affidavit of the State was filed on or about 29-06-2015. Though 3 years and 10 months have passed, the applicant has failed to collect secure record regarding Departmental Promotion Committee (DPC) which considered the claim and declined it. It appears that for reasons known to him, the applicant has accepted the plea of the State.

6. In the result O.A. does not contain a challenge to the DPC's competence as well decision to recommend to promote eligible persons on seniority cum fitness basis.

7. Hence, the O.A. has no merit. O.A is dismissed accordingly.

8. Parties are directed to bear their own costs.

(ATUL RAJ CHADHA)
MEMBER (A)

(A.H.JOSHI)
CHAIRMAN

Place : Aurangabad
Date : 22-04-2019.

2019\db**YUK** db O.A.NO.35.2015 DE AHJ