

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 612 OF 2013

DIST. : BEED

Bapu s/o Vitthalrao Sonawane,
Age 54 years, Occ. Service,
R/o 54, Pundri, Tal. Kaij,
Dist. Beed.

At present working as Awal
Karkun, Tahsil Office, Dharur,
Dist. Beed..

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APPLICANT

VER S U S

1. The State of Maharashtra,
(copy to be served on the
C.P.O., M.A.T. Mumbai,
Bench at Aurangabad)

2. The Divisional Commissioner,
Aurangabad.

3. The Collector, Beed.

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RESPONDENTS

APPEARANCE : S/shri C.V. Thombre with D.D. Mane,
learned Advocates for the applicant.

: Shri I.S. Thorat, learned Presenting Officer
for respondents.

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 29.08.2017

J U D G M E N T

Heard S/shri C.V. Thombre with D.D. Mane, learned Advocates for the applicant and Shri I.S. Thorat, learned P.O. for the respondents.

2. The present applicant is seeking deemed date of promotion in view of the promotion granted to the employees junior to him from the same rank on 31.1.2005.

3. The applicant has earlier made representation and the said representation was decided by the res. no. 2 – the Divisional Commissioner, Aurangabad – vide order dtd. 10.9.2013 (Exh. F paper book page 41). It would show that the applicant was considered for the promotion by the Departmental Promotion Committee. It was, however, found that certain D.E. was pending against the applicant and the recovery of monetary loss allegedly caused by him was due against him. In the circumstances, by taking conscious decision, the applicant was superseded.

4. From the pleadings of both the sides as well as documents placed on record by both the sides, it appears that, later on D.E. was concluded and the present applicant has also deposited the amount, which was required to be deposited due to negligence caused by him in maintaining the godown properly.

5. These submissions would thus show that the applicant has later on admitted his guilt and deposited the said amount.

6. In the circumstances, when the D.P.C. has taken a conscious decision on the basis of material before it not to promote the applicant, no interference in the said decision of the D.P.C. is called for.

7. Accordingly, the O.A. is dismissed without any order as to costs.

VICE CHAIRMAN