

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 1023 /2018 (D.B.)**

1. Abdul Aziz Abdul Sattar,  
Aged about 43 years,  
Working at Municipal Council  
Washim, Dist. Washim.
2. Balkrishna S/o Digambar Deshmukh,  
Aged about 42 years, Working at  
Municipal Council Karanja,  
Dist. Washim.
3. Suresh S/o Ananda Rathod,  
Aged about 52 years, Working at  
Municipal Council Risod,  
Dist. Washim.
4. Shafi Ahmed Sk. Mehboob,  
Aged about 52 years, Working at  
Municipal Council Mangrulpir,  
Dist. Washim.
5. Vivek Laxman Walse,  
Aged about 50 years, Working at  
Municipal Council Chandur Bazaar,  
Dist. Amravati.
6. Najeeb Ur-Rehman Sheikh,  
Aged about 48 years, Working at  
Municipal Council Daryapur,  
Dist. Amravati.
7. Dhanraj M. Mankar,  
Aged about 48 years, Working at  
Municipal Council Daryapur,  
Dist. Amravati.
8. Vinod B. Baraskar,  
Aged about 50 years, Working at  
Municipal Council Warud,  
Dist. Washim.

9. Sunil Chandrabhan Newade,  
Aged about 48 years, Working at  
Municipal Council Warud,  
Dist. Amravati.

**Applicants.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Department of Urban Development,  
Mantralaya, Mumbai.
- 2) Director of Municipal Administration,  
Government Transport Services Building,  
3<sup>rd</sup> Floor, Sir Pochkhanwala Road,  
Warli, Mumbai-400 030.
- 3) The Dy. Director of Director of  
Municipal Administration,  
Govt. Transport Services Building,  
3<sup>rd</sup> Floor, Sir Pochkhanwala Road,  
Warli, Mumbai-400 030.

**Respondents**

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**Shri N.R.Saboo, Id. Advocate for the applicants.**

**Shri A.M.Khadatkar, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri Shree Bhagwan, Vice-Chairman &  
Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGMENT**

**Judgment is reserved on 10<sup>th</sup> Nov., 2022.**

**Judgment is pronounced on 02<sup>nd</sup> Dec., 2022.**

**(Per:-Member (J))**

Heard Shri N.R.Saboo, learned counsel for the applicants and Shri A.M.Khadatkar, learned P.O. for the Respondents.

2. Case of the applicants is as follows. The applicants were working in various Municipal Councils. As per notification dated 11.01.2007 issued by the Government of Maharashtra they were to be absorbed in State Service in accordance with Rule 5 (6) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township State Services (Absorption, Recruitment and Conditions of Service) Rules, 2006. For 'C' grade posts Collector was notified as an authority for the purpose of absorption. Vide Circular dated 02.05.2011 issued by Director of Municipal Administration respective Collectors were called upon to publish list of employees eligible for absorption on Grade-C posts. Collector Amravati and Collector Washim accordingly issued orders absorbing the applicants in Maharashtra Municipal Taxation and Administration Service in Grade C-2 thus bringing them in State Service Cadre. As per Circular dated 22.02.2016 issued by Director of Municipal Administration posts of Grade C-1 were to be filled up by respective Collectors as per staffing pattern notified earlier by respondent no. 1. By adopting this procedure the applicants were considered fit for promotion to posts of C-1 grade, in D.P.C. and accordingly they were promoted and posted. Their names were notified by Circular dated

08.11.2017 in seniority list (A-4) of Grade C-1 employees issued by respondent no. 2.

Thereafter, respondent no. 3, by Circular dated 04.10.2018 notified names of the applicants in provisional seniority list of C-2 grade against which the applicants made representations (A-5, A-6 and A-7). The concerned Collectors, on being directed by Director of Municipal Administration had reviewed the orders promoting the applicants to Grade C-1 posts and found the same to be proper. However, in the impugned Circulars dated 14.11.2018 (A-8, A-9) the previous position notifying posts of C-1 and C-2 grade employees was maintained. This has resulted in arbitrary reversion of the applicants to Grade C-2 posts. By Circular dated 14.12.2018 choices were called for giving further promotions to Group-A posts from the post of Grade C-1/Group-B. The applicants are deprived of this opportunity. While notifying provisional seniority list vide Circular dated 12.05.2021 also the error was not corrected against which the applicants raised objection. However, while issuing the impugned Circular dated 13.04.2022 (A-10) names of the applicants were not notified in the seniority list of Maharashtra Municipal Taxation and Administration Service Grade C-1. Hence, this O.A. for following reliefs:-

*“i. Quash and set aside inclusion of name of applicants in seniority list as notified vide Circular dated 14.11.2018 for the post of Maharashtra Municipal Taxation & Administration Service Grade C-2 post and direct the respondent no. 2 to include their name in the seniority of Maharashtra Municipal Taxation & Administration Service Grade to C-1 post as notified vide Circular dated 14.11.2018 at Annexure-A-9 & A-8 respectively.*

*i(a) To direct respondent no. 2 to include name of the applicants in subsequent seniority list of Maharashtra Municipal Taxation and Administrative Service, Grade C-1, notified for the year 2019, 2020, 2021.*

*ii. To direct respondents to consider name of applicant & grant them promotions on Grade A post with all consequential relief.*

*iii. To grant any other remedy, which this Hon'ble Tribunal deems fit.”*

3. In their reply at pages 41 to 46 respondents 2 & 3 have averred as follows. Draft seniority list of Grade C-2 employees was published on 01.01.2018 to which objections could be filed till 30.01.2018. None of the applicants objected to the draft seniority list of Grade C-2 employees

dated 01.01.2018. Therefore, final seniority list of Grade C-2 employees was published on 14.11.2018. Likewise, objections to draft seniority list of Grade C-1 employees dated 01.01.2018 were also invited. Only applicant no. 1 submitted objection to it on 10.10.2018. His objections were duly considered. Thereafter, final seniority list of Grade C-1 employees was published. As per seniority list of Grade C-1 employees dated 14.11.2018, 62 persons have been already promoted to Grade A posts. All procedural aspects laid down in G.Rs. of G.A.D. dated 21.06.1982, 21.10.2011 and notifications dated 11.01.2007 and 28.01.2010 issued by Urban Development Department, Government of Maharashtra, as well as notification dated 15.01.2018 have been considered.

4. In their rejoinder at pages 47 to 54 the applicants have averred that not only applicant no. 1 but other applicants had also objected to provisional seniority list of Grade C-1 employees. Annexure (I) attached to the rejoinder shows that applicants 2 to 6 and 8 had also objected to the provisional seniority list of Grade C-1 employees. There is nothing on record to show that while finalizing seniority list of Grade C-1 employees from which names of the applicants were excluded, any of the above referred objections was duly considered. The applicants were promoted by their respective Collectors to Grade C-1 posts and on review these promotion orders were found to be proper. Their names were notified in

the seniority list of Grade C-1 employees. All this could not have been undone simply by deleting their names from seniority list of Grade C-1 employees and including them in the seniority list of Grade C-2 employees. No opportunity of hearing was given to the applicants before doing so.

5. During the pendency of this original application, by notifying provisional seniority list of Grade C-1 employees dated 12.05.2021 and finalizing it on 13.11.2022 without considering the objections of the applicants dated 04.06.2021, the respondents' appear to have perpetuated the illegality. On the basis of said list dated 13.11.2022 persons junior to the applicants have been promoted.

6. It is submitted on behalf of the applicants that the impugned deletion of names of the applicants from seniority list of Grade C-1 employees amounts to reversion. By order dated 06.06.2016 (A-1) applicants 5 to 9 and 10 others were promoted to Grade C-1 post by the competent authority i.e. Collector, Amravati. On review, this order of promotion dated 06.06.2016 was held to be proper by Collector, Amravati. This order passed on review is dated 01.11.2017 (at pages 70 to 77). By order dated 06.12.2016 applicants 1 to 4 and 3 others were promoted to Grade C-1 post by the competent authority i.e. Collector, Washim who then confirmed the said order on review by passing an order at pages 17/18 which was forwarded to respondent no. 2 with

covering letter dated 09.10.2017 (A-2). Thereafter, in seniority list of Grade C-1 employees published on 08.11.2017 (A-4) names of all the applicants were included. This chronology is undisputed.

7. In view of undisputed facts set out as above we find that the act of the respondents i.e. deleting names of the applicants from the seniority list of Grade C-1 employees and including them in the seniority list of Grade C-2 employees without giving them an adequate opportunity to put forth their contentions, cannot be sustained. It may be reiterated that the applicants were promoted to Grade C-1 post and the concerned Collectors had, on review, found their promotions to Grade C-1 to be proper. The only ground on which contentions of the applicants are tried to be refuted by the respondents is that the applicants had not raised objections to the seniority lists within time. There is no sufficient material before us showing why names of the applicants were excluded from the seniority list of Grade C-1 employees and included in the seniority list of Grade C-2 employees. In this factual background the O.A. can be disposed of by passing the following orders:-

#### O R D E R

The applicants would be at liberty to submit within one month from today representations challenging exclusion of their names from seniority list of Grade C-1 employees. On such representations being



made, the same shall be decided within three months from today in accordance with law and changes in seniority lists of C-1 and C-2 grade employees, if any, necessitated by reconsideration as above shall be carried out and published/ notified. With these directions, **the O.A. is disposed of with no order as to costs.**

**(M.A.Lovekar)**  
**Member(J)**

aps

Dated - 02/12/2022

**(Shree Bhagwan)**  
**Vice Chairman**

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

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman  
& Hon'ble Member (J).

Judgment signed : 02/12/2022.  
on and pronounced on

Uploaded on : 03/12/2022.