

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR.**

**ORIGINAL APPLICATION NO.180/2010.**  
**Alongwith C.A. No.472/2012.**

Anil Shriram Khandare,  
Aged about 40 years,  
Occ-Service,  
R/o Govt. Quarters,  
In front of S.P. Bungalow,  
Buldhana.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Co-operation, Marketing  
and Textile,  
Mantralaya, Mumbai-32.
2. The Commissioner for Co-operation,  
Shivaji Nagar, Pune.
3. Divisional Joint Registrar,  
Co-operative Societies,  
Amravati.

**Respondents.**

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Shri S.P. Palshikar, Advocate for the applicant.  
Shri S.C. Deshmukh, P.O. for the respondents .

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**Coram:-** The Hon'ble Shri Justice A.P.Deshpande  
Vice-Chairman and  
The Hon'ble Shri B. Majumdar,  
Member (A)

**Dated:- 21<sup>st</sup> January, 2013.**

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**Oral order****Per:Vice-Chairman**

The O.A. is taken up for final hearing by consent of learned Counsel for respective parties.

2. Heard Shri S.P. Palshikar, the learned Counsel for the applicant and Shri S.C. Deshmukh, the learned P.O. for the respondents.

3. It is the case of the applicant that when the D.P.C. met on 10.8.2009 for considering the fitness of candidates for granting promotion to the post of Co-operative Officer, Grade-II/Head Clerk, the applicant was facing prosecution U/s 7 and 13 (2) of the Prevention of Corruption Act. On account of pendency of a criminal case against the applicant, the D.P.C. adopted Sealed Cover Envelope Procedure and kept the issue of grant of promotion in abeyance, so far as the present applicant is concerned. At a later point of time, the applicant came to be acquitted and as such the applicant moved a

representation for consideration of his case for grant of promotion by the D.P.C. During the pendency of the O.A., the applicant was served with a communication dated 5.12.2012 by the respondent No.3 wherein it is stated that the applicant's case would be placed before the D.P.C. for consideration. Today, an affidavit in reply is filed on behalf of respondent No.3, wherein it is reiterated that the applicant's case would be placed before the D.P.C. It is also stated in the reply that the D.P.C. will decide on the issue of grant of promotion so also the issue of grant of deemed date. In view of the development taking place during the pendency of the O.A., the learned counsel for the applicant submits that the present O.A. be disposed of, in view of the submission made in the affidavit in reply by respondent No.3. However, he submits that the D.P.C. be directed to consider the grant of deemed date to the applicant, in the event if the D.P.C. finds the applicant fit for grant of promotion, w.e.f. 13.8.2009, it being the date on which other candidates were granted promotion, whose cases were considered by the D.P.C. in its meeting held on

10.8.2009. In our view, the present O.A. can be disposed of by issuing appropriate directions. Hence this order—

(1) We direct the respondent No.3 to place the representation moved by the applicant before the D.P.C. for consideration of his fitness for grant of promotion to the post of Co-operative Officer, Grade-II/Head Clerk in its next meeting.

(2) We also direct the D.P.C. to consider the applicant's request to grant him deemed date of promotion, in case the D.P.C. finds the applicant fit for grant of promotion, in accordance with law.

(3) The O.A. stands disposed of with no order as to costs.

(4) In view of disposal of the O.A., the C.A. does not survive, the same as well stands disposed of.

Sd- 

(B. Majumdar)  
Member (A)

Sd- 

(Justice A.P. Deshpande)  
Vice-Chairman

Pdg