

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 988/2022 (D.B.)

1. Dhananjay S/o Purushottam Nawale,
Aged about 29 years,
Occ. Service as Supply Inspector,
C/o Godown Manager, Food Distribution Office,
Civil Lines, Nagpur.
2. Ravindra S/o Panjabrao Rathod,
Aged about 32 years,
Occ. Service as Supply Inspector,
C/o Food Distribution Office,
Civil Lines, Nagpur.

Applicants.

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Foods, Civil Supplies and
Consumer Protection Department,
Mantralaya,
Mumbai-400 032.

Respondents

Shri R.M.Fating, Id. Advocate for the applicants.

Shri A.M.Khadatkar, Id. P.O. for the respondent.

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

JUDGMENT

(Per:-Shri Justice M.G.Giratkar)
07th Feb., 2023.

Heard Shri R.M.Fating, learned counsel for the applicants, Shri A.M.Khadatkar, learned P.O. for the respondent.

2. The case of the applicants in short is as under:- Applicants are presently working with the respondent on the post of 'Supply Inspector' in Nagpur Division. Next promotional post of the applicants is 'Supply Inspecting Officer'. The seniority list which was prepared on dated 01.08.2019 was challenged before the Principal Bench of Maharashtra Administrative Tribunal, Mumbai in O.A. No. 247/2021 with connected O.As. decided on 01.03.2022. Some of the employees who are working in the cadre of Supply Inspecting Officer had approached before the Principal Bench, M.A.T. Mumbai by filing original application no. 220/2020, challenged the final seniority list of Supply Inspecting Officer dated 27.01.2020 and 12.02.2020 prepared by the respondents. The said seniority list is quashed by Principal Bench, M.A.T., Mumbai.

3. After the Judgment of M.A.T., one Ninad Lande filed Writ Petition before Hon'ble High Court Bombay, Bench at Nagpur in W.P. No. 3165/2022. In the said petition order dated 01.03.2022 of M.A.T. was challenged, Hon'ble High Court has passed following order:-

"The position as prevailing today with regard to cancellation of the seniority lists dated 27.01.2020 and 12.02.2020

preparation of fresh seniority list thereafter shall be maintained until further orders.”

4. Without any approval or preparation of seniority list the respondent no. 1 issued letter dated 29.06.2022 by which all the Commissioners (Supply) were informed that the promotions are to be governed by the old/existing rules.

5. It is submitted by the applicant that new recruitment rules are to be framed.

6. The applicant has submitted that without framing the recruitment rules and without preparing fresh seniority list, respondents are likely to promote other candidate. Hence, applicant is challenging the letter dated 29.06.2022 (P. No. 90) by this original application.

7. There is no dispute about the submission of applicants, paras 5 & 6 of reply which is as under:-

“5. It is submitted that, Writ Petition No. 3165/2022 (Ninad Ashokrao Lande Vs. The State of Maharashtra & Ors.) is filed in The High Court of Bombay, Nagpur Bench, Nagpur. In this matter, Hon’ble High Court of Bombay, Nagpur Bench, Nagpur passed the order dated 27.06.2022 as the position as prevailing today with regard to cancellation of the seniority

lists dated 27.01.2020 and 12.02.2020 preparation of fresh seniority list thereafter shall be maintained until further orders. It is further submitted that, after finalization of recruitment rules the seniority list of the supply inspector will be published at the state level. It is further submitted that, the process of revision of recruitment rules is at the concluding stage now and the same has been forwarded final approval of the Hon'ble Governor.

6. It is further submitted that, as per the existing recruitment rules procedure of promotion should be complete at divisional level and proposal are called for posting for approval of Government. However it is also submitted that the process of Recruitment Rule revision is in last stage and expected to be completed within three months and facts is mentioned hereinabove."

8. There is no dispute that Hon'ble Bombay High Court, Bench at Nagpur in W.P. No. 3165/2022 passed order directing the respondents:-

"The position as prevailing today with regard to cancellation of the seniority lists dated 27.01.2020 and 12.02.2020

preparation of fresh seniority list thereafter shall be maintained until further orders."

9. In reply filed by the respondents show that as per the G.R. dated 28.12.2017 (P. 28) new recruitment rules are to be framed. As per the order of Hon'ble High Court, the fresh seniority list is to be framed. Without complying this G.R. dated 28.12.2017 and order of Hon'ble High Court dated 27.06.2022, directing the promotion as per old rules at divisional level is not proper. This letter dated 29.06.2022 is contrary to the G.R. dated 28.12.2017 and also order of the Hon'ble High Court in W.P. No. 3165/2022. Hence, the following order:-

O R D E R

- A. The Original Application is allowed.
- B. Letter/Communication dated 29.06.2022 issued by the respondents is contrary to the provisions of G.R. dated 28.12.2017. Hence, it is hereby quashed and set aside.
- C. Respondents are directed not to effect any promotion on the post of Supply Inspecting Officer till the revised recruitment rules are passed.
- D. Respondents are further directed to regulate the promotion in the cadre of Supply Inspecting Officer in the feeder cadre of 'Supply Inspector' as per the new recruitment rules.

E. By the above directions, O.A. is disposed of with no order as to costs.

(M.G.Giratkar)
Vice Chairman

aps

Dated - 07/02/2023

(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 Vice Chairman.

Judgment signed : 07/02/2023.

on and pronounced on

Uploaded on : 08/02/2023.