

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO. 161/2008**

Chintaman Marotrao Bhongre,  
Aged about 60 years,  
R/o Gaurkhed, Tq. Bhatkuli,  
Distt. Amravati.

-----**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Revenue and Forest Department ,  
Mantralaya Mumbai.
2. The Chief Conservator of Forest,  
Amravati Division, Amravati,  
Tq. and Distt. Amravati.
3. The Principal Conservator of Forest,  
Maharashtra State, Nagpur,  
Tq. and Distt. Nagpur. -----

**Respondents-**

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1. Shri V.A. Kothale , Advocate for the applicant.
  2. Smt. M.A. Barabde, Presenting Officer for the Respondents.
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**CORAM : S.S. Hingne: Vice Chairman**  
**DATE : 7<sup>th</sup> December, 2016**

**ORDER**

The applicant/retired Range Forest Officer seeks the deemed date of promotion from the date his juniors are promoted.

2. Heard Shri V.A. Kothale, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

3. The applicant was appointed as a Forest Guard w.e.f. 8/1/1966. He was due for promotion as a Forester from 1981 but he was actually promoted in 1993. The applicant is retired on 31/7/2007. He made representations on 5/2/2005 but to no effect. Ultimately, the applicant's claim was denied vide communication dtd. 9/10/2007 ( Annex.A-1, Page-11 ).

4. The applicant's grievance is that his juniors viz., S.V. Bobde and N.C. Pawar are promoted, however, the applicant's case was not considered even though he was acquitted in the criminal case. Hence he filed the O.A. extending the benefits of deemed date from 1981.

5. The respondents' case is that the applicant was under suspension for more than 10 years and he retired on 31/7/2005 and not on 31/7/2007. After the suspension, he was reinstated on 9/3/1981 but his CRs. were not written during the period of suspension and therefore his name was not considered in the Departmental Promotion Committee ( DPC ) held on 21/1/1985. The respondents' case is that the applicant was not entitled for promotion as a RFO from 1994 because he got the promotion as a Forester in 1993. The Principal Conservator of Forest vide communication dtd. 8/12/2015 informed the Chief Conservator of Forest to consider the case of the applicant on the basis of the G.R. dtd. 6/6/2002. The DPC was held on 2/5/2006 and the applicant's name was considered for deemed date of promotion w.e.f. 1981 but that time the applicant was untrained. Therefore that deemed date was not given to him. When the DPC was held in 1990, the applicant was found fit but due to non-availability of posts, he was not included in

the select list of RFO. The applicant was informed about the same vide communication dtd. 9/10/2007.

6. S.V. Bobde was promoted on 28/1/1982 and N.C. Pawar was on 14/12/1981 as Forester but the applicant's C.Rs were not written during the suspension period and he was untrained. Therefore he could not get the promotion and his juniors S/shri Bobade and Pawar were promoted as Forester.

7. The Criminal Appeal No.84/1975 was preferred before the Hon'ble High Court against the judgment dtd. 13/1/1975 rendered in Sessions Trial No.50/1969 in which the applicant was accused. It is denied that the applicant was kept under suspension for 14 years for unjustified reasons.

8. The applicant's grievance is for giving promotion to his colleagues S/shri Bobade and Pawar. Shri Bobde got the promotion as Forester on 28/1/1982 and Shri Pawar was promoted on 14/12/1981 as a Forester. Thereafter they are promoted as R.F.O.

9. The applicant has filed the O.A. and claimed the relief that the deemed date of promotion be given to him w.e.f. 1981 and prayed for ancillary benefits. The applicant has made the representation on 5/2/2005 ( Annex.A-2, page 13) to get the deemed date of promotion from 1981. Shri Pawar is promoted on 14/12/1981 and the applicant claims from that date. However, the applicant was under suspension from 1968 to 1974 and second time from 1975 to 1981 and as such he cannot claim the parity with Shri Pawar.

10. However, the matter does not end there. In the affidavit-in-reply in para 5, the respondent nos. 2 and 3 have made the following statement :-

*“ It was also mentioned in the proceeding that during Departmental Promotion Committee of 1990, the Applicant was found fit but due to non-availability of posts, name of Applicant was not included in the select list of Range Forest Officer. Therefore, deemed date was not accorded to the Applicant.”*

11. This is the clear admission that the applicant was found fit for promotion in 1990 when the DPC was held . It is

not the fault of the applicant that he could not get promotion for non-availability of vacant posts. He can at least get benefit of deemed date from that period. The applicant is given promotion as a Forester from 1993. However relying on the above point blank admission, the applicant can be held to be entitled to get the promotion as a Forester from the date on which the DPC held in 1990.

12. In the light of the above reasons, the O.A. is partly allowed and disposed of in the following terms :-

- a) The applicant be given promotion as a Forester from the date of DPC held in 1990.
- b) Consequently he is entitled for the fixation of pay from that date
- c) The applicant is entitled for the arrears and consequential benefits including the terminal benefits.
- d) The respondents to issue the necessary order and release the benefits before 31/3/2017.
- e) No order as to costs.

**(S.S. Hingne )**

Skt.

**Vice-Chairman.**