

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 953/2012.

Tadikamlla Srinivasu Satyanarayana
Aged about 52 years,
Professor in Botany Department
in the Nagpur University.
R/o 3, Himalaya Apts, 19 NIT Layout,
Ravinagar Sq., Nagpur. -----

Applicant.

Versus

The State of Maharashtra,
Through its Principal Secretary,
Department of Higher and Technical Education,
Govt. of Maharashtra,
Mantralaya, Mumbai

2. The Director Higher Education, Central Building,
Pune- 1.
3. The Director, The Institute of Science,
Madame Cama Road, Mumbai. ----- **Respondents.**

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1. Shri S.A. Marathe, Advocate for the applicant.
 2. Smt. M.A. Barabde, Presenting Officer for the
Respondents.

CORAM : R.B. Malik : Member (J)

DATE : 13th February, 2017

ORDER

The applicant, a Lecturer in Botany having been working as such from 1986 hereby seeks the relief of placement in an appropriate scale although he has mentioned it as a senior scale and seeking for fixing applicant's placement in the senior scale from 1991 as per the recommendations of the Selection Committee constituted in the year 2004.

2. I have perused the record and proceedings and heard Shri S.A. Marathe, the Id counsel for the applicant and Smt M.A. Barabde, the Id. P.O. for the respondents. It may not be necessary for me to discuss in extenso the facts in order to determine any fact at issue. It apparently appears to be an admitted position that the applicant is still awaiting his placement in certain scale which he has described as senior scale. In the affidavit-in-reply it has been mentioned that the applicant's ACR for the period from 11/9/1995 to 31/3/1996 was average and was unsatisfactory for the period

from 1996 to 1997. However, Shri Marathe has taken me through a document which is at page no. 40 of the paper book and which shows that for all the latter periods the ACRS were commendable. It is not necessary to set out year wise details in that behalf. Shri Marathe, mentions the fact that for two years the cause was personal animosity. I would prefer not to examine this aspect in detail because really speaking it is not necessary to do so. The Id. P.O. points out para 2 of paragraph 6 of the affidavit-in-reply of the 2nd respondent filed as far back as on 18/3/2014 where it is mentioned *inter alia* that the proposal for grant of benefit of the Career Advancement Scheme to the applicant would be submitted before the Selection Committee constituted as per the G.R. dtd. 29/6/2009 for due consideration. It therefore appears that long back the case of the applicant should have been addressed. Even if the entire matter was to be heard as is commonly called on merit ultimately the decision has to first of all come from the authorities and therefore in my opinion it will not be possible for this Tribunal at this stage to give any

concrete direction as such. The respondents must take decision within 3 months from today with regard to the service Career Advancement Scheme, giving him placement and also the issue of ACR which on their own showing is hanging fire for more than last 3 years. This also should be completed within 3 months from today. As the discussion is just about to complete the Id. P.O. raises up with permission to raise the issue of limitation. In my opinion, the issue of limitation may not arise because on respondents' own showing none of the aspects of the service conditions of the applicant attained finality so that it could be held that time began to run. Further I find substance in Mr. Marathe's submission that it is an instance of continuous cause of action. The O.A. is disposed of with above directions with no order as to cost.

(R.B. Malik)
Member (J)

