

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 492/2013 (D.B.)**

Bhaskar Nandaji Bambole,  
 Aged 54 years, Occ. Service,  
 R/o 46, Hemprabha Apartment,  
 Pande Layout, Khamla, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
 through Additional Chief Secretary (Revenue),  
 Revenue and Forest Department 32<sup>nd</sup> floor,  
 World Trade Center, Cuff Pared, Mumbai.
- 2) Commissioner,  
 Nagpur Division, Nagpur.

**Respondents.**

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**Shri S.P. Palshikar, Advocate for the applicant.**

**Shri S.A. Sainis, P.O. for the respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 493/2013 (D.B.)**

Dharmesh Sukhadeo Phusate,  
 Aged 50 years, Occ. Service,  
 R/o Narendra Nagar, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
 through Additional Chief Secretary (Revenue),  
 Revenue and Forest Department 32<sup>nd</sup> floor,  
 World Trade Center, Cuff Pared, Mumbai.
- 2) Commissioner,  
 Nagpur Division, Nagpur.

**Respondents.**

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**Shri S.P. Palshikar, Advocate for the applicant.**

**Shri A.M. Ghogre, P.O. for the respondents.**

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**WITH**  
**ORIGINAL APPLICATION No. 525/2013 (D.B.)**

Dayaram S/o Sitaram Bhojar,  
Aged 50 years, Occ. Service,  
R/o Sironcha, District Gadchiroli.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through Additional Chief Secretary (Revenue),  
Revenue and Forest Department 32<sup>nd</sup> floor,  
World Trade Center, Cuff Pared, Mumbai.
- 2) Commissioner,  
Nagpur Division, Nagpur.

**Respondents.**

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**Shri S.P. Palshikar, Advocate for the applicant.**

**Shri A.P. Potnis, P.O. for the respondents.**

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**WITH**  
**ORIGINAL APPLICATION No. 529/2013 (D.B.)**

Ramesh S/o Tikaram Lanjewar,  
Aged 57 years, Occ. Service,  
R/o Tahsil Mohadi, District Bhandara.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through Additional Chief Secretary (Revenue),  
Revenue and Forest Department 32<sup>nd</sup> floor,  
World Trade Center, Cuff Pared, Mumbai.
- 2) Commissioner,  
Nagpur Division, Nagpur.

**Respondents.**

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**Shri S.P. Palshikar, Advocate for the applicant.**

**Shri V.A. Kulkarni, P.O. for the respondents.**

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**WITH****ORIGINAL APPLICATION No. 542/2013 (D.B.)**

Deodas Chambhru Bombarde,  
Aged 48 years, Occ. Service,  
R/o Shastri Ward, Gondia.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through Additional Chief Secretary (Revenue),  
Revenue and Forest Department 32<sup>nd</sup> floor,  
World Trade Center, Cuff Pared, Mumbai.
- 2) Commissioner,  
Nagpur Division, Nagpur.

**Respondents.**

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**Shri S.P. Palshikar, Advocate for the applicant.**

**Shri S.A. Deo, C.P.O. for the respondents.**

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**Coram :- Shri Shree Bhagwan,  
Vice-Chairman and  
Shri Anand Karanjkar, Member (J).**

**Dated :- 8<sup>th</sup> January, 2020.**

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**COMMON JUDGMENT**

**Per : Member (J).**

Heard Shri S.P. Palshikar, learned counsel for the applicants and Shri S.A. Deo, learned C.P.O. and other learned P.Os. in the respective O.As. for the respondents.

2. All the applicants were Naib Tahsildars. In the year 2012 they were eligible for promotion as Tahsildar and as they were not promoted, therefore, they have filed these O.As. As all O.As. are based on same facts and circumstances, therefore, they are decided by this common order-

3. It is case of the applicants that the process to promote the Naib Tahsildars as Tahsildars was undergoing. The names of the applicants were in zone of consideration and their port folios were before the DPC. When the matter was before DPC Shri Bharat Seth Gogawale, the then MLA wrote letter and raised objection relating to fixation of seniority of the Senior Clerks and consequently the promotions of the applicants were withheld. It is submitted by the applicants that thereafter the same MLA Shri Bharat Seth Gogawale wrote another letter to the Commissioner, Nagpur Revenue Division and informed that the letter dated 6/6/2012 was erroneously posted and it should not be considered. On the basis of this, it is contention of all the applicants that they are entitled to be promoted as Tahsildars along with deemed date on which other Naib Tahsildars were promoted as Tahsildars.

4. The application is opposed by the respondents vide reply which is at page no.49 of the P.B. (O.A.492/2013). The objection of

the respondents is that the other Naib Tahsildars were promoted on ad-hoc basis only for 11 months or till the posting of the Tahsildar by MPSC. The second objection is that the DPC was not authorized to recommend names of the Naib Tahsildar for promotion as Tahsildar, because it was within jurisdiction of MPSC and it was subject to merit cum seniority.

5. During course of hearing the learned counsel for the applicants invited our attention to the letter dated 20/6/2012 (Annex-R-1). Vide this letter the Commissioner, Nagpur Revenue Division, Nagpur had informed the Additional Chief Secretary, Revenue and Forest Department that letter dated 6/6/2012 was written by Shri Bharat Seth Gogawale, MLA under wrong assumption and it was withdrawn by him by his subsequent letter dated 13/6/2012. Thereafter request was made by the respondent no.2 to consider names of 17 Naib Tahsildars to be promoted as Tahsildar. Our attention is invited to letter dated 19/1/2013 written by the Commissioner, Nagpur Revenue Division, Nagpur. In this letter it is mentioned that names of 53 Naib Tahsildars were recommended for filling 26 ad-hoc posts of Tahsildar. At the same time, seniority list of the Senior Clerks was published and that list was objected by Shri Bharat Seth Gogawale, MLA. Thereafter the list was again verified

and it was found out that it was necessary to examine the seniority of 17 Naib Tahsildars and accordingly their names were recommended. The learned counsel for the applicants submitted that the respondents have filed along with Annex-R-4, the list of the Officers whose names were recommended and it is submitted that all the applicants were recommended to be promoted on ad-hoc basis as Tahsildar.

6. In the reply it is submitted by the learned P.O. that now in the year 2014 all the applicants are promoted as Tahsildar, therefore, there remains no substance in these O.As. It is submitted on behalf of the applicants that had the applicants were promoted along with other Naib Tahsildars who were promoted in 2012, then they would have got benefits in pension. It is submitted that there was no fault on the part of the applicants, but merely because erroneously letter was issued by the MLA Shri Bharat Seth Gogawale, they were not considered, therefore, deem date be given to the applicants. It appears from the submissions made by both sides that the applicants were eligible to be promoted as per their seniority, but merely because objection was raised by the MLA to the seniority list, the applicants were not considered and other Naib Tahsildars were promoted on ad-hoc basis on 18/7/2012 and now they are regularized on the post of Tahsildars. Keeping in view this situation, we are of the view that the applicants

are also entitled for the deemed date promotion. As the applicants have not worked on the promotional post, therefore, we are of the view that monetary benefits should not be extended to them, but their services be counted as Tahsildar from 18/7/2012 for computing the pensionable service.

7. The O.As. are disposed of. No order as to costs.

**(Anand Karanjkar)**  
**Member(J).**

**(Shree Bhagwan)**  
**Vice-Chairman.**

**Dated** :- 08/01/2020.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble V.C. and Member (J).

Judgment signed on : 08/01/2020.

Uploaded on : 09/01/2020.