

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.1017 OF 2018**

**District : Nashik**

Mr. Vilas Pandit Kapade, )  
Age : 46 years, Occ. Jailor Group I )  
at Thane Central Jail, Thane. )  
R/at. Room No.36, Jail Office )  
Quarter, Opp. Old RTO Office, )  
Thane Central Prison, Thane (W) )

**...APPLICANTS**

**VERSUS**

1. The State of Maharashtra, )  
Through the Secretary, )  
Home Department )  
Mantralaya, Mumbai 32 )

2. The Additional Director )  
General of Police & Inspector )  
General of Prison, Central )  
Bldg., Pune. )

**...RESPONDENTS**

Mr. K.R. Jagdale, learned Advocate for the Applicant

Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

**CORAM** : **Justice Mridula Bhatkar (Chairperson)**  
**Ms. Medha Gadgil (Member) (A)**

**DATE** : **17.04.2023.**

**J U D G M E N T**

1. Applicant who is working as Jailor, Group I at Thane Central Jail prays that final revised seniority list dated 31.10.2018 be quashed and set aside.

2. Learned Advocate further prays that in the seniority list dated 31.10.2018 the name of the Applicant is to be shown at Serial No.26A, i.e. in between Sr. No.26, Subhash Madhav Sonawane and Sr. No.27, Govind Hanumantrao Patil. Learned Advocate also prays that the name of the Applicant is to be included in the Select list of Jailor, Group-I dated 17.11.2018 for the promotion to the post of Deputy Superintendent Central Jail/ Superintendent District Prison Class II, forthwith.

3. Learned Advocate has submitted that the Applicant was wrongly pushed down at Sr. No.59 in the Seniority list dated 31.10.2018 which is illegal. He relied on Rule 4(a) of the Maharashtra Prison Department (Executive Officers Qualifying Examination), Rules 1977 (hereinafter referred as EQE Rule, 1977 for brevity) wherein the persons who have attained the age of 48 years on the date of commencement of EQE Rules, 1977 are exempted. Applicant attained the age of 48 years on 14.04.2020.

4. In support of his submissions he relies on the judgment of Division Bench of M.A.T. Bench Aurangabad dated 08.02.2023 passed in O.A.No.25/2019, Dnyaneshwar Dashrath Kale Versus The State of

Maharashtra & Ors. Learned Advocate has submitted that in the said judgment the Division Bench has discussed and clarified Rule 4(a) of the EQE Rule, 1977. Learned Advocate has further submitted that this judgment is not challenged. Hence it is in force till date.

5. Learned P.O. for the Respondents while opposing this O.A. relies on the affidavit-in-reply dated 15.03.2019 filed on behalf of Respondents No.1 and 2, through Mr. Vitthal Nivrutirao Jadhav, Special Inspector General of Police (H.Q.) and Correctional Service.

6. We have gone through the judgment. Similar issue of exemption under Rule 4(a) of the EQE Rule, 1977 was raised before the Division Bench of the Aurangabad Bench. The Applicant is similarly situated person. The specific directions are given by the Division Bench in the said judgment as are applicable to the present applicant as well,

‘Similar benefits may be extended to similarly situated Executive Officers in service on the date of passing of this order, who are not before this Tribunal.’

7. We rely on the said judgment and allow the O.A with following directions :

(a) Applicant's name is to be placed at Sr. No.26A.

(b) Applicant is to be considered for promotion to the post of Deputy Superintendent Central Jail/ Superintendent District Prison Class II.

(c) Applicant is to be granted notional promotion, but he is not entitled to pecuniary benefits.

- (d) The said order is to be complied within a period of three months from the date of this order i.e. by 31.07.2023.
- (e) O.A. stands disposed of with above directions.

**Sd/-**  
**(Medha Gadgil)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

prk