

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.465 OF 2017

**DISTRICT : RAIGAD
Sub.:- Selection &
Appointment**

Shri Gangaram Ramdas Karpe)
Age : 43 Yrs, Maths Instructor,)
Directorate of Vocational Education and)
Training at Government, Industrial)
Training Institute, Panvel, Tal. Panvel,)
District : Raigad. R/at Nimkar House,)
Room No.5, plot no.70, near Gandhi)
Hospital, Old Panvel, Taluka Panvel,)
Dist. Raigad, Pin 410 206.)...**Applicant**

Versus

1. Maharashtra Public Service -)
Commission, through its Secretary,)
O/at Cooperage Telephone Nigam)
Building, Maharshi Karve Marge,)
Mumbai 400 021.)
2. Government of Maharashtra,)
Through Principal Secretary,)
Skill Development & Entrepreneur)
Department, Mantralaya Extension)
Bhavan, Mantralaya, Mumbai 32.)...**Respondents**

Shri M. D. Lonkar, Advocate for Applicant.

Ms S. P. Manchekar, Chief Presenting Officer for Respondents.

**CORAM : A.P. KURHEKAR, MEMBER-J
DEBASHISH CHAKRABARTY, MEMBER-A**

DATE : 25.08.2023

PER : A.P. KURHEKAR, MEMBER-J

JUDGMENT

1. The Applicant has challenged communication dated 06.07.2017 issued by the Respondent No.1- Maharashtra Public Service Commission (MPSC) declining the request of Respondent No.2 to recommend his name for appointment to the post of Assistant Apprenticeship Advisor on the ground that validity period of one year of wait list expired, invoking jurisdiction of this Tribunal under Rule 19 of the Administrative Tribunal, 1985.

2. Shorn of detail following are undisputed facts giving rise to this application :-

(A) The Respondent No.1 -MPSC issued advertisement on 28.04.2014 to fill in 23 posts of Assistant Apprenticeship Advisor and pursuant to it, the Applicant participated in the process of recruitment.

(B) The MPSC published merit list/select list of 52 candidates on 27.11.2015.

(C) The Applicant had applied from OBC category and stood at Sr. No.25 in the merit list.

(D) The MPSC, however, recommended the name of 20 candidates only to the Government on 27.11.2015 stating that result of certain candidates who have filed O.A.Nos.330/2015, 342/2015 and 345/2015 has been withheld in view of filing of these O.As and the result will be declared later.

(E) The Tribunal dismissed O.A.Nos.330/2015, 342/2015 and 345/2015 having found that they were not holding requisite qualification since the ground of equivalent qualification found untenable.

(F) Therefore, the M.P.S.C. recommended one more candidate on 04.07.2016 and thereafter again recommended the names of 2 candidates to the Government by communication dated 16.12.2016.

(G) Since the Applicant was at Sr. No.25 and one post of OBC from the said recruitment remained unfilled, he made representation to MPSC on 14.10.2016, 08.11.2016 and 11.02.2017 for recommendation to Government.

(H) As three posts out of 23 posts for which recruitment process was initiated were remained unfilled, the Government by his letter dated 28.06.2017 requested the MPSC to recommend the names of 3 more candidates clarifying that 3 candidates namely Sanjay Patil (OBC), Prashant Dongre (Open) and Mahesh Jadhav (OBC) though selected and appointed, declined to join the post and consequent to it, their appointments were cancelled.

(I) The MPSC however by communication dated 06.07.2017 declined the request of Government stating that validity period of one year of waiting list expired.

3. It is on the above background, the Applicant had challenged communication dated 06.07.2017 in the present O.A. and also sought directions to MPSC to recommend his name for the post of Assistant Apprenticeship Advisor from OBC category which remained unfilled as per the recruitment drive initiated by the MPSC.

4. Shri M. D. Lonkar, learned Counsel for the Applicant sought to assail the legality of communication dated 06.07.2017 *inter-alia* contending that the stand taken by MPSC declining request of the Government as made by letter dated 28.06.2017 for sending recommendations of three candidates, is totally unjust and arbitrary. He

emphasized that MPSC itself recommended the name of two more candidates by communication dated 16.12.2016, which was after expiry of one year from the date of declaration of select list dated 27.11.2015 but MPSC adopted different stand deviating from its own action and thereby discriminated Applicant. Thus, according to him once MPSC deviated from Rule of one year validity period of waiting list by making recommendation of two candidates on 16.12.2016, it ought to have accepted the Government's request made by letter dated 28.06.2017. He further urged that in case of piecemeal or fragmented recommendations, the period of one year of validity of waiting list shall be reckoned from the date of recommendations of last candidate. On this line of submission, he urged that the stand taken by MPSC is self-contrary, unjust and arbitrary. He further pointed out that Applicant is not claiming appointment on a post over and above recruited in the advertisement and admittedly a post, the Applicant sought for from OBC category being vacant, it would be appropriate to direct the MPSC to make recommendations to avoid further expenditure and loss of time by initiating fresh recruitment process.

5. Per contra, Ms S. P. Manchekar, learned Chief Presenting Officer sought to justify the impugned communication dated 06.07.2017 stating that it is because of litigation filed in the Tribunal, the result of four candidates were withheld till the decision of Original Applications filed by them. However, the Tribunal dismissed those matters rendering those candidates' ineligible for want of requisite qualification and, therefore, the MPSC had recommended the name of two more candidates by communication dated 16.12.2016 from the select list. On this line of submission, she contends that MPSC cannot be said breach of rule of one year validity period of wait list much less to the discrimination to the Applicant. She has, pointed out that as per Rule 8 of Maharashtra Public Service Commission (Procedure) Rules, 2014 and standing order issued by the MPSC on 05.08.2011, the validity period of waiting list is one year

from the date of declaration of result or up to the publication of subsequent advertisement for recruitment to the same post 'whichever is earlier.' She thus sought to defend impugned communication dated 06.07.2017.

6. In view of submissions advanced, the issue posed for consideration is whether in the facts and circumstances of the present case, the impugned communication dated 06.07.2017 declining request of the Government to send three recommendations (inclusive Applicant) is legally sustainable.

7. At the very outset, it needs to be noted that this is a case of fragmented/piecemeal recommendation by MPSC. Pertinently, MPSC (Procedure) Rules, 2014 does not envisage any such piecemeal or fragmented recommendations. However, in certain situation, there could be piecemeal fragmented by Public Service Commission. Insofar as MPSC (Procedure) Rules, 2014 are concerned, reserve list shall be maintained for the period of one year from the date of declaration of result or upto the publication of subsequent advertisement for recruitment to the same post 'whichever is earlier'. Notably, in present case, the MPSC has not prepared separate reserve/wait list. M.P.S.C. published merit list on 27.11.2015 consist of 52 candidates in accordance to their merits. The Applicant is at Sr. No.25 and belongs to OBC category. On 27.11.2015 itself, the M.P.S.C. recommended the name of 20 candidates and again by letter dated 04.06.2016 recommended one more candidate. Thus, total 21 candidates were recommended. However, out of it, three candidates namely Shri Sanjay Patil from OBC category at Sr. No.4, Shri Prashant Dongre, from Open category at Sr. No. 10 and Shri Mahesh Jadhav from OBC category at Sr. No.17 did not accept appointment. They accordingly communicated their unwillingness and consequent to it their appointments were cancelled. It is because of this factor, the Government by letter dated 28.06.2017

requested MPSC to sent the names of three candidates from wait list for their appointment which however was declined by the MPSC on 06.07.2017 solely on the ground that one year validity period of reserved list is already expired and it is not in operation.

8. There is no denying that M.P.S.C. itself made recommendation of two more candidates on 16.12.2016 which was after expiration of one year period of reserve list. True, those recommendations were made because of cancellation of candidature of some other candidates in view of dismissal of their Original Applications by the Tribunal on merit. During the pendency of O.A., the result of those candidates was withheld and later their candidature was cancelled which seems to have promoted MPSC to recommend two more candidates from reserved list by communication dated 16.12.2016. The merit list was published on 27.11.2015 and one year period expires on 26.11.2016. However, the MPSC made recommendations o 16.12.2016 by operating merit list. Thus, when MPSC operated its merit list even after expiration of one year period, it ought to have been consistent and should have accepted the request of Government as made by letter dated 28.06.2017 for recommending the names of three candidates including Applicant since admittedly, one post for OBC remained unfulfilled from the said recruitment process. When the appointing authority itself asked for more recommendations from wait list, the MPSC ought to have obliged the Government in recommending three candidates particularly in the light of its own recommendations made on 16.12.2016 otherwise it would amount to discrimination and violative of Article 14 of the Constitution of India.

9. As indicated earlier, this is a case of piecemeal /fragmented recommendations by the MPSC. The MPSC itself operated the select list even after expiration of one year period from the date of declaration of merit list. Therefore, in peculiar facts and circumstances of the present

matter, it would be just and appropriate to count the period of one year from last recommended candidate i.e. from 16.12.2016. The Government made request to MPSC by communication dated 28.06.2017 which was within one year from 16.12.2016 and in all fairness, it ought to have been accepted by the MPSC.

10. Material to note, the Applicant made first representation on 14.10.2016 to MPSC for recommending his name to the Government. It is thereafter MPSC recommended the names of two candidates on 16.12.2016 ignoring the claim of the Applicant. In any case, the MPSC ought to have rectified its stand. Once the MPSC operated merit list by making recommendation on 16.12.2016, it cannot be allowed to fall back on the Rule of one year validity period of merit list.

11. We are conscious that merely because the name of the Applicant/candidate finds place in the select list, it would not give him indefensible right to get appointment since it is always open to the Government not to fill up all the vacancies. Notably, in present case, the Government/Appointing Authority itself by communication dated 28.06.2017 sought three recommendations from MPSC meaning thereby, it intends to fill up all the vacancies. This being so, refusal by the MPSC is totally arbitrary as well as discriminatory since the MPSC itself operated merit list after expiration of period of one year from the date of declaration of merit list.

12. Indeed, this is not a case of taking candidate from the waiting list rather this is a case of operating merit list dated 27.11.2015. The recruitment was to fill in 23 posts whereas name of the Applicant was at Sr. No.25 of the merit list. Three candidates though appointed refused to join and consequent to it, there appointments were cancelled by the Government. It is for this reason, the Applicant who was at Sr. No.25 came up within the bracket of 23 candidates for which advertisement

was issued and, therefore, to fulfill the aim and object of the recruitment process, the MPSC ought to have accepted the request made by none other than Appointing Authority. The Applicant is not seeking appointment over and above the post advertised. He came in the list of bracket of 23 candidates because of non-joining of 3 candidates, in such situation, impugned communication dated 06.07.2017 refusing the request of Government is totally unfair, discriminatory and arbitrary.

13. The aforesaid conclusion drawn by us get reinforced in view of the decision of the Hon'ble Supreme Court reported in **(2013) 11 SCC 737 (State of Jammu & Kashmir & Ors. V/s Sat Pal)** as referred by the learned Counsel for the Applicant. In that case, recruitment was initiated to fill in the post of Jr. Engineer. The Respondent - Sat Pal participated in the process and his name was figured in final merit list. However, one of the candidate namely Trilok Nath who was immediately above Sat Pal to whom appointment order was issued, declined the offer and did not join. Thereafter, Sat Pal made representation for appointment. In that case also Rule of validity of waiting list of one year was raised. However, the Hon'ble Supreme Court held validity of waiting list in the facts and circumstances of the case has to be determined with reference to letter dated 22.04.2008 whereby appointment was offered to Trilok Nath since Sat Pal was next below Trilok Nath. The Hon'ble Supreme Court directed to appoint him on the post of Jr. Engineer. In this behalf, para nos.10, 11, and 12 are relevant which are as under :-

10. It is not a matter of dispute, that the respondent Sat Pal participated in a process of selection for recruitment against the post of Junior Engineer (Civil) Grade-II. It is also not in dispute, that his name figured in the merit/select list of scheduled caste candidates. Trilok Nath, who had been offered appointment against the post of Junior Engineer (Civil) Grade-II on 22.4.2008, did not join, despite the said offer of appointment. The instant fact is fully substantiated from the order dated 5.5.2008 issued by the Chief Engineer (R&B) Department, Jammu. Even though candidates who were higher in merit, were offered appointment to the post of Junior Engineer (Civil) Grade-II, for which recruitment was held, some of such posts remained vacant on account of the fact that persons higher in merit to the respondent Sat

Pal had declined to join, despite having been offered appointment. At least one such vacancy offered to Trilok Nath never came to be filled up. In such a situation, the claim of the respondent Sat Pal whose name figured in the merit/select list, ought to have been offered appointment against the said post. The claim of respondent Sat Pal could not have been repudiated, specially on account of his assertion, that his name in the merit/select list amongst Scheduled Caste candidates immediately below the name of Trilok Nath, was not disputed even in the pleadings before this Court. It is not the case of the appellants before this Court, that any other candidate higher than Sat Pal in the merit/select list is available out of Scheduled Caste candidates, and can be offered the post against which Trilok Nath had not joined.

11. In view of the factual position noticed hereinabove, the reason indicated by the appellants in declining the claim of the respondent Sat Pal for appointment out of the waiting list is clearly unjustified. A waiting list would start to operate only after the posts for which the recruitment is conducted, have been completed. A waiting list would commence to operate, when offers of appointment have been issued to those emerging on the top of the merit list. The existence of a waiting list, allows room to the appointing authority to fill up vacancies which arise during the subsistence of the waiting list. A waiting list commences to operate, after the vacancies for which the recruitment process has been conducted have been filled up. In the instant controversy the aforesaid situation for operating the waiting list had not arisen, because one of the posts of Junior Engineer (Civil) Grade-II for which the recruitment process was conducted was actually never filled up. For the reason that Trilok Nath had not assumed charge, one of the posts for which the process of recruitment was conducted, had remained vacant. That apart, even if it is assumed for arguments sake, that all the posts for which the process of selection was conducted were duly filled up, it cannot be disputed that Trilok Nath who had participated in the same selection process as the respondent herein, was offered appointment against the post of Junior Engineer (Civil) Grade-II on 22.4.2008. The aforesaid offer was made, consequent upon his selection in the said process of recruitment. The validity of the waiting list, in the facts of this case, has to be determined with reference to 22.4.2008, because the vacancy was offered to Trilok Nath on 22.4.2008. It is the said vacancy, for which the respondent had approached the High Court. As against the aforesaid, it is the acknowledged position recorded by the appellants in the impugned order dated 23.8.2011 (extracted above), that the waiting list was valid till May, 2008. If Trilok Nath was found eligible for appointment against the vacancy in question out of the same waiting list, the respondent herein would be equally eligible for appointment against the said vacancy. This would be the unquestionable legal position, in so far as the present controversy is concerned.

12. The date of filing of the representation by the parties concerned and/or the date on which the competent authority chooses to fill up the

vacancy in question, is of no consequence whatsoever. The only relevant date is the date of arising of the vacancy. It would be a different legal proposition, if the appointing authority decides not to fill up an available vacancy, despite the availability of candidates on the waiting list. The offer made to Trilok Nath on 22.4.2008 by itself, leads to the inference that the vacancy under reference arose within the period of one year, i.e., during the period of validity of the waiting list postulated by the rules. The offer of the vacancy to Trilok Nath, negates the proposition posed above, i.e., the desire of the employer not to fill up the vacancy. Herein, the appellants wished to fill up the vacancy under reference. Moreover, this is not a case where the respondent was seeking appointment against a vacancy, over and above the posts for which the process of selection/ recruitment was conducted. Based on the aforesaid inference, we have no hesitation in concluding that the appellants ought to have appointed the respondent Sat Pal, against the vacancy which was offered to Trilok Nath."

14. Learned Counsel for the Applicant also referred to decision of the Hon'ble Supreme Court in **(2013) 12 SCC 171 (Manoj Manu & Anr. V/s Union of India & Ors.)**. In this case also the Hon'ble Supreme Court dealt with the situation where out of 184 persons recommended six persons did not join. Therefore, DoP&T approached UPSC for sending additional names from the waiting list. The Hon'ble Supreme Court issued directions to UPSC to forward next three candidates to DoP&T for appointment to the post of Section Officer. Para nos.9, 12, 13, 14 and 16 are relevant which are as under :

9. It can be clearly inferred from the reading of the aforesaid that it is not the case where any of these persons initially joined as Section Officer and thereafter resigned/left/promoted etc. thereby creating the vacancies again. Had that been the situation viz. after the vacancy had been filled up, and caused again because of some subsequent event, position would have been different. In that eventuality the UPSC would be right in not forwarding the names from the list as there is culmination of the process with the exhaustion of the notified vacancies and vacancies arising thereafter have to be filled up by fresh examination. However, in the instant case, out of 184 persons recommended, six persons did not join at all. In these circumstances when the candidates in reserved list on the basis of examination already held, were available and DoP&T had approached UPSC "within a reasonable time" to send the names,

we do not see any reason or justification on the part of the UPSC not to send the names.

12. It is, thus, manifest that though a person whose name is included in the select list, does not acquire any right to be appointed. The Government may decide not to fill up all the vacancies for valid reasons. Such a decision on the part of the Government not to fill up the required/advertised vacancies should not be arbitrary or unreasonable but must be based on sound, rational and conscious application of mind. Once, it is found that the decision of the Government is based on some valid reason, the Court would not issue any Mandamus to Government to fill up the vacancies.

13. In the present case, however, we find that after the UPSC sent the list of 184 persons/recommended by it, to the Government for appointment six persons out of the said list did not join. It is not a case where the Government decided not to fill up further vacancies. On the contrary DoP&T sent requisition to the UPSC to send six names so that the remaining vacancies are also filled up. This shows that in so far as Government is concerned, it wanted to fill up all the notified vacancies. The requisition dated 20th November 2009 in this behalf was in consonance with its Clause 4(c) of O.M. dated 14th July 1967. Even when the Government wanted to fill up the post, the UPSC chose to forward names of three candidates.

14. There is a sound logic, predicated on public interest, behind O.M. dated 14th July 1967. The intention is not to hold further selection for the post already advertised so as to save unnecessary public expenditure. At the same time, this very O.M. also stipulates that the Government should not fill up more vacancies than the vacancies which were advertised. The purpose behind this provision is to give chance to those who would have become eligible in the meantime. Thus, this OM dated 14th July 1967 strikes a proper balance between the interests of two groups of persons. In the present case since the requisition of the DoP&T contained in communication dated 20th November 2009 was within the permissible notified vacancies, the UPSC should have sent the names of six candidates instead of three.

16. It is not the case of the UPSC that under no circumstances the names are sent by way of supplementary list, after sending the names of the candidates equal to the vacancies. As per the UPSC itself, names of "repeat/common" candidates are sent and in the present case itself, three names belonging to such category were sent. However, exclusion of the persons like the appellants has clearly resulted in discrimination as one of those three

candidates Rajesh Kumar Yadav had also secured 305 marks and once he was appointed to the post in question, the appellants with same marks have been left out even when the vacancies were available.

15. Learned Counsel for the Applicant also referred to decision of the Hon'ble Supreme Court in **(2000) 3 SCC 699 (State of U. P. V/s Ram Swarup Saroj)** wherein it has been held that appointment cannot be denied merely because currency of panel (select list expired during pendency of litigation) particularly when vacancies were available for making appointment. In para nos.8 and 10, it has been held as under :-

8. At the hearing the learned Counsel for the State of Uttar Pradesh raised mainly two contentions. Firstly, it was submitted that the select list having been prepared in November, 1996 had ceased to be valid on expiry of one year from the date of preparation thereof and an appointment from such list could not now be directed. Reliance has been placed on several circulars issued by the State of Uttar Pradesh from time to time laying down the validity of a select list for appointment to State services at one year. Second plea raised on behalf of the appellant is that the respondent had filed the writ petition by impleading only the State of Uttar Pradesh and U.P. Public Service Commission as respondents before the High Court but had omitted to implead the High Court of Uttar Pradesh as a party in the writ petition; as such no binding direction could be issued as in the matter of judicial appointments the State Government is not free to act of its own unless and until the High Court recommends an appointment or concurs in any proposal made by the State Government.

10. Similarly, the plea that a list of selected candidates for appointment to the State services remains valid for a period of one year only is primarily a question depending on facts and yet the plea was not raised before the High Court. Secondly, we find that the select list was finalised in the month of November, 1996 and the writ petition was filed by the respondent in the month of October, 1997, i.e., before the expiry of one year from the date of the list. Merely because a period of one year has elapsed during the pendency of litigation, we cannot decline to grant the relief to which the respondent has been found entitled to by the High Court. We may place on record that during the course of hearing of SLP before this Court, on 29.9.1999 we had directed the learned Additional Advocate General for the State of U.P. to bring on record on affidavit the status of present recruitment of the judicial officers and the present vacancy position in the subordinate judiciary. In the affidavit of Joint Secretary, Department of Appointment, State Government, Uttar Pradesh sworn in on 4.11.1999 and filed before this Court it is stated that as on 14.10.1999 there were

231 vacancies existing in the cadre of Munsif Magistrates (now Civil Judge, Junior Division/Judicial Magistrates). That being the factual position we see no reason why the direction made by the High Court should be upset in an appeal preferred by the State of Uttar Pradesh.

16. Shri. M.D. Lonkar, learned Counsel for the Applicant further referred recent decision of the Hon'ble Bombay High Court in W.P. **No.12844/2019 (Ashwini G. Waghmare V/s State of Maharashtra & Ors.)** delivered on 23.12.2022 which are directly on the point involved in the present case in hand. In that case, Pune Municipal Corporation published advertisement on 08.08.2016 and appointment orders were issued to the selected candidates in between 05.01.2017 to 28.12.2017. The waiting list of the candidates were prepared on 05.01.2017 wherein name of Ashwini Waghmare was figured. She was called upon by letter dated 15.01.2019 to submit documents for verification. However, Municipal Corporation noticed that life of waiting list was expired on 04.01.2018 and, therefore, appointment was denied. Being aggrieved by it, she filed W.P. The Hon'ble High Court referred the decision of the Hon'ble Supreme Court in **Sat Pal's** case (cited supra) and in Para No.10 held as under :-

*" 10. Applying the aforesaid ratio to the facts of the present case, it can be observed that the waiting list was continued to operate even after expiry of one year from the date of publication. The Respondents have issued the appointment orders to the selected candidates till 29.12.2017. However, some posts remained vacant, since the select list candidates did not respond. It is also observed that the appointment orders are issued to wait list candidates till 11.04.2018. However, the claim of the Petitioner was not taken into account though the vacancies were subsisting. Lastly, claim of the Petitioner was considered and she was called upon to submit the documents vide communication dated 15.01.2019. However, instead of issuing the appointment order to the Petitioner, the impugned communication came to be issued stating that the waiting list expired on 04.01.2018 on lapse of one year of the publication. The approach of the Respondents is unreasonable. Considering the ratio laid down in the case of **State of J. and K. and Ors.** (Supra), the action of the Respondents declining consideration of claim of the Petitioner for the aforesaid reasons cannot be justified. In fact, it was incumbent upon the Respondents to consider the Petitioner for appointment particularly, when she was called upon to submit the*

documents for verification under communication dated 15.01.2019. It is not in dispute that, when the Petitioner was called upon to submit the documents, the posts advertised were vacant and the Respondents had no valid reason for non-consideration of claim of the Petitioner for appointment. In that view of the matter, Writ Petition deserves to be allowed. The impugned communication/order dated 17.07.2019 (Exh.'G') is liable to be quashed & set aside."

17. In present case in hand also situation is similar rather it is on stronger footing since the M.P.S.C. itself operated the waiting list beyond more than one year by making recommendation of two candidates on 16.12.2016. The vacancy from OBC category to which the Applicant belongs remains unfilled out of 23 posts advertised by the M.P.S.C. As such, by applying aforesaid legal principle, the refusal of MPSC by communication dated 06.07.2017 is totally unfair and arbitrary. It was incumbent upon the MPSC to send the name of Applicant to MPSC in view of the demand raised by none other then Appointing Authority.

18. In this view of the matter, we have no hesitation to conclude that impugned communication dated 06.07.2017 is totally indefensible and liable to be quashed. The Applicant is required to be appointed on the post of Assistant Apprenticeship Advisor if he is otherwise eligible. Hence, the following order:-

ORDER

- (A) The Original Application is allowed.
- (B) Impugned communication dated 06.07.2017 issued by the Respondent No.1- MPSC is quashed and set aside.
- (C) The Respondent No.1-MPSC is directed to consider the claim of Applicant for appointment to the post of Assistant Apprenticeship Advisor and shall make recommendation to Respondent No.2 - Government, if he is otherwise eligible. This exercise shall be completed within a period of two months from today.

(D) The Respondent No.2 is directed to take further steps for appointment of Applicant within one month from the date of receipt of recommendation from the M.P.S.C. in accordance to law.

(E) It is clarified that the Applicant shall be entitled to seniority from the date of joining.

(F) No order as to costs.

Sd/-
(DEBASHISH CHAKRABARTY)
Member-A

Sd/-
(A.P. KURHEKAR)
Member-J

Place : Mumbai

Date : 25.08.2023

Dictation taken by : VSM

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