

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**ORIGINAL APPLICATION NO.50 OF 2020
(Subject : Deemed date of Promotion)**

District : Solapur

Balkrishna Gopal Kshirsagar,)
Age : 59 years, Occ. Retd. Jr. Engineer,)
R/at. 306/5 Daphodil, Nagzari Mala,)
Savata Mali Nagar, Indapur,)
District : Pune.) **APPLICANT.**

VERSUS

1. The State of Maharashtra,)
Through the Secretary,)
Command Area Department Authority,)
Water Resources Deptt.,)
Mantralaya, Mumbai)
2. The Chief Engineer (Specified Project – 1),)
Water Resources Department,)
Pune.)
3. The Superintending Engineer)
and Administrator,)
Command Area Development Authority,)
Solapur.)
4. The Executive Engineer,)
Ujjani Dam Management Division,)
Bhimanagar, Tq. Meadha, Dist. Solapur.)**RESPONDENTS**

Shri A.D. Sudgare, learned Advocate for the Applicant.

Shri A.J. Chougule, learned Presenting Officer for the Respondents.

CORAM : SHRI P.N. DIXIT, VICE-CHAIRMAN

DATE : 03.02.2020.

J U D G M E N T

1. Heard Shri A.D. Sudgare, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. This Original Application has been filed seeking deemed date of promotion as Junior Engineer from the date of passing professional examination as on 01.02.1991.
3. The Applicant was appointed as Technical Assistant on 13.10.1980 in the establishment of Respondent No.3. The Applicant passed professional examination for the post of Junior Engineer in the month of December, 1990 and submitted representation for the grant of promotion on 16.09.1992. However, he was promoted to the post of Junior Engineer on 02.07.2007 and seniority list of the said post was published on 08.08.2018 for the persons who have joined from 15.11.1976 to 31.12.2010.
4. The colleague of Applicant namely Shri Chaudhari Madhukar Ramdas who figures at 10474A in the seniority list published on 08.08.2018 is junior to the Applicant, as the Applicant is at serial No.10469 of the said seniority list (copy whereof is at page 44 and 45 of the P.B.).
5. The above mentioned Shri Chaudhari Madhukar Ramdas, junior to the Applicant who is one of the Applicant in **O.A.No.878/2016, 242/2017 and 648/2017 (Nitinkumar T. Adhe Versus The State of Maharashtra & Ors.) decided on 30.10.2018** had filed the said O.A. before the

Maharashtra Administrative Tribunal Bench at Aurangabad (copy whereof is at Exhibit-A6, page 21 of the P.B). After examining the relevant provisions, the said O.A. was allowed and Applicant was held eligible to get deemed date as on first day of February after passing the professional examination for the promotion on the post of Junior Engineer.

6. In separate **Writ Petition No.9266/2017 with W.P.No.10623/ 2014 with W.P.No.10624/2014 with W.P.No.10625/2014 (The State of Maharashtra & Anr Versus Shri Satyawar Eknath Salunkhe & Ors.) decided on 17.07.2018**, (copy whereof is at Exhibit A-9, page 51 of the P.B.) the Hon'ble High Court at Bombay upheld the decision of M.A.T. wherein Petitioners were situated in similar circumstances. The Hon'ble High Court observed that there is no reason to interfere with the impugned judgment and order by the M.A.T.

7. In the present Original Application, Applicant has made following prayer :-

“B) By order or directions by this Tribunal, it may be declared that the Applicant is entitled to get Deemed date of Promotion as Junior Engineer from the date of passing the Professional Examination i.e. from 01-02-1991 and the Applicant is entitled to get consequential benefits.”

(Quoted from page 8 of the P.B)

8. Applicant has superannuated on 31.08.2018. Learned P.O. for the Respondents does not dispute orders cited by the Applicant and concedes that the judgments mentioned have attained finality.

9. In view of the foregoing and as per provisions of the G.R. No.PER 1065/1956-E(2), dated 07.06.1965 (copy whereof is at Exhibit A3, page 14 of the P.B.), Respondent No.1 is, therefore, directed as under :-

- (a) Representation made by the Applicant on 16.11.2018 and 23.08.2018 forwarded to Respondent No.2 on 05.01.2019 may be decided in light of judgments cited above and G.R. dated 07.06.1965 within a period of four weeks from receipt of this order,
- (b) The decision taken in the matter should be communicated to the Applicant within a period of two weeks thereafter.

With the above directions, Original Application is disposed off.

Sd/-
(P.N. Dixit)
Vice-Chairman

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