

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 517/2013.

Brijlal Hiranman Bibe,
Aged about 48 years,
Occ-Service as Dy. Collector,
Land Acquisition (MIW-2), Collector Office,
Yavatmal.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Department of Revenue & Forests,
Mantralaya, Mumbai-440 001.
- 2) The Divisional Commissioner,
Amravati.

Respondents

Shri Bharat Kulkarni, Advocate for the applicant.
Smt. M.A. Barabde, P.O. for the respondents.

Coram:- Hon'ble Shri R.B. Malik, Member (J)

Dated: - 7th February 2017.

Oral order

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents.

2. This O.A. pertaining to the dispute about conferring of Selection Grade to the Deputy Collector can be disposed of on a short point based basically on a judgment of the Hon'ble Supreme Court s in **Dev Dutt V/s Union of India and others (2008) 8 SCC 725 and an earlier judgment of this Tribunal in O.A. No.**

476/2014 (Tatoba Govindji Tidke V/s State of Maharashtra and two others, dated 27.3.2015), relevant G.R. is one dated 13.2.2014.

3. The crux of the matter is that the applicant alongwith his other colleagues was considered for conferring the status of Selection Grade Deputy Collector, but apparently was not found fit enough in view of adverse A.C.Rs. It is possible that the learned counsel for the applicant is right in contending that some junior colleagues of the applicant went ahead of him for the said conferment. The essence of the matter is that in order that the adverse A.C.R. entries could be made actionable for making the concerned employee disabled from the benefit, there must be concrete material to suggest that the said adverse A.C.Rs were communicated to him. Learned P.O. who strongly tried to defend the case of the applicant, invited my attention to the affidavit in rejoinder filed by the applicant and annexures thereto which undoubtedly shows that the applicant ultimately had the knowledge of these adverse entries. In my opinion, the obligation is cast on the respondents to comply with the requirement of the law laid down by the Hon'ble Supreme Court as well as requirement of the G.R. and inasmuch as the consequence as far as the concerned employee is concerned, are far-reaching and serious, interpretation will be strict

and in any case I again cannot accept the contention of learned P.O. that since there is material to show that adverse A.C.Rs of one particular period was intimated to the applicant. It must be held that same for the earlier period was also communicated or annexed therewith. In my opinion, whole thing cannot be dismissed as a technical one and, therefore, the course of action adopted by this Tribunal in Tidke's case (supra) will have to be adopted herein as well.

4. The respondents are directed to communicate to the applicant the entries in A.C.Rs for the period of five years before the D.P.C. which was held in September 2012. The applicant would be free to make representation there-against or thereabout within a period of one month from today and if he applies herewith, then the respondents shall consider his representation within a period of six weeks of receipt thereof and if there was any case of upgradation, a fresh D.P.C. will have to be conveyed to consider the case of the applicant for conferring the status of Selection Grade Deputy Collector.

5. O.A. is allowed in these terms with no order as to costs.

(R.B.Malik)
Member (J)

