

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR**

ORIGINAL APPLICATION NO. 538 OF 2008

DISTRICT : WASHIM

Jagdish S/o Budhaji Wankhede,)
Aged 48 years, Occ. Service,)
Presently working as Junior Clerk)
at District Treasury Office.)
At : Washim, District Washim,)
R/o. Government Quarters, Room No. 204,)
Vishakha Building, Chinkhli Road,)
Washim.) **...Applicant**

VERSUS

1. State of Maharashtra,)
Through its Secretary for Audit &)
Accounts Department,)
Mantralaya Building, Mumbai - 400 032.)
2. Deputy Director,)
Audit & Accounts Department (Treasury),)
Amravati Division, Amravati.)
3. Treasury Officer, At Washim.)
4. R.V. Pakhale,)
Presently working as Senior Clerk,)
At District Treasury Office,)
At Washim.) **Respondents**



Shri S.A. Marathe, learned Advocate for the Applicant.

Smt. M.A. Barabde, learned Presenting Officer for the Respondent Nos. 1 to 3.

None for Respondent No. 4.

CORAM : Shri Rajiv Agarwal, Vice-Chairman

Shri J.D. Kulkarni (Member) (J)

DATE : 13th Feb 2017

PER : Shri Rajiv Agarwal (Vice-Chairman)

J U D G E M E N T

1. Heard learned Advocate Shri S.A. Marathe for the Applicant and Smt. M.A. Barabde, learned Presenting Officer for the Respondent Nos. 1 to 3 and None for the Respondent No. 4.

2. This O.A. has been filed challenging the seniority List of Junior Clerk dated 31.07.2007, published by the Respondent No. 4.

3. Learned Counsel for the Applicant argued that the Applicant was appointed as Muster Assistant under E.G.S. Scheme in 1982. The Applicant was absorbed as Jr. Clerk in the District Treasury office at Washim (the Respondent No. 3) on 26.06.2000. The Applicant appeared for the Post

Recruitment Examination (P.R.E.) and was successful as per notification dated 01.09.2003 issued by the Director of Accounts and Treasures, M.S., Mumbai. Learned Counsel for the Applicant argued that the Respondents No. 1 to 3 have promoted the Respondent No.4 before the Applicant, though the Respondent No.4 is junior to him as she did not pass P.R.E. in stipulated time.

4. Learned Presenting Officer (P.O.) argued that the Applicant was appointed as Jr. Clerk on absorption in Class III post in terms of G.R. dated 01.12.1995. Thereafter G.R. dated 21.04.1999 was issued which provides that the Muster Assistant under E.G.S. were not Government servants and Maharashtra Civil Services Rules were not applicable to them. The Applicant was absorbed as Jr. Clerk on 26.06.2000. He is not eligible to get any seniority before that date. The Respondent No. 4 was appointed as Jr. Clerk 24.08.1998. She was granted exemption from passing Post Recruitment Examination on reaching age of 45 years on 03.03.2003. The Applicant passed Post Recruitment Examination on 01.09.2003. From the date of initial appointment as Jr. Clerk and date of passing / exemption from passing the Post Recruitment Examination, the Respondent No. 4 is senior to the Applicant. Learned P.O. argued that there is no merit in the present O.A.

5. We find that the Applicant was a Muster Assistant who was absorbed as Jr. Clerk in the office of the Respondent

No. 3 on 26.06.2000. Date of appointment of the Respondent No. 4 as Jr. Clerk is 24.08.1998. She was exempted from passing the Post Recruitment Examination (P.R.E.) on reaching the age of 45 years on 03.03.2003, as her date of birth is 03.03.1958. The Applicant's date of birth is 15.05.1960, and he passed the Post Recruitment Examination on 01.09.2003. We see no way that the Applicant can claim seniority over the Respondent No. 4. The Applicant claims that the increments of the Respondent No. 4 were stopped as she did not pass P.R.E. in time. How that fact will make the Applicant senior to her is not explained. No rules are cited in support of the claim of the Applicant that he is senior to the Respondent No.4. We do not find any merit in this O.A.

6. Having regard to the facts and circumstances of the case, this O.A. is dismissed with no order as to costs.

(J.D. KULKARNI)
MEMBER (J)

2017

(RAJIV AGARWAL)
(VICE-CHAIRMAN)

2017

Date : 13-2-2017

Place : Nagpur

Dictation by : NMN

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