

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 728 OF 2015**

**DISTRICT : RAIGAD**

Shri Shankar Gauru Dhanawade, )  
Occ : Forester, R/at : At Post )  
Medha, Tal-Roha, Dist-Raigad. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through the Secretary, )  
Revenue & Forest Department, )  
Mantralaya, Mumbai. )
2. The Additional Principal )  
Chief Conservator of Forest, )  
M.S, Nagpur. Van Bhavan, )  
Ramgiri Road, Civil Lines, )  
Nagpur-1. )
3. The Chief Conservator of Forest )  
Thane Circle, Kopri Colony, )  
Microwave Tower, Thane [E]. )

4. The Deputy Conservator of Forest, )  
Roha Forest Division, )  
At Post, Tal-Roha, Dist-Raigad. )...**Respondents**

Shri K.R Jagdale, learned advocate for the Applicant.

Shri K.B. Bhise, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**Shri R.B. Malik (Member) (J)**

**DATE : 10.03.2016**

**PER : Shri Rajiv Agarwal (Vice-Chairman)**

**ORDER**

1. Heard Shri K.R Jagdale, learned advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant seeking promotion to the post of Range Forest Officer, Group 'B' w.e.f 30.5.2015 when his junior was so promoted.

3. Learned Counsel for the Applicant argued that the Applicant belongs to N.T(B) category. The Applicant

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has B.A degree from Yeshwantrao Chavan Maharashtra Open University obtained in 2012. He is eligible to be promoted as Range Forest Officer as per the Recruitment Rules. The Applicant was at Sr.No. 3030 in the final seniority list as on 31.12.2010 of the Assistant Plantation Officers/Foresters and Shri Suresh Eshwar Kale of NT(B) category is at Sr. No. 3051. The Applicant, after passing first year B.A examination of Open University in 2009 had requested on 22.9.2011 that the said qualification may be entered in his service book. After passing final year degree examination, the Applicant again made representation on 22.11.2012 and 31.1.2013 to the Respondent no. 4, in this regard. Finally, the Respondent no. 4 informed the Applicant that entry of passing B.A from Open University is entered in his service book by letter dated 25.7.2013. The Applicant was eligible to be included in the select list of eligible officer for promotion to the post of Range Forest Officer when D.P.C met in 2014. The Applicant submitted his representation on 25.9.2014. The Departmental Promotion Committee (D.P.C) in its meeting on 8.10.2014 did not consider the Applicant for promotion to the post of R.F.O. The Applicant submitted representation dated 19.1.2015 protesting against his exclusion. The Applicant further submitted representations dated 6.2.2015 but to no avail. Learned Counsel for the Applicant argued that the Applicant is fully eligible to be considered for promotion to the post of R.F.O from N.T-B category and the

Respondents may be directed to consider him for such promotion.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondents that the Applicant has been considered in the select list of promotion from Forester to the Range Forest Officer for the year 2016. His case was considered by the D.P.C in its meeting held on 12.2.2016. The decision to promote him will be taken after the recommendation of D.P.C are approved by the Government in consultation with the General Administration Department.

5. We find that the Applicant's case has been considered by D.P.C for promotion to the post of Range Forest Officer in the meeting held on 12.2.2016. A final decision is likely to be taken shortly by the Government on the basis of recommendation of the D.P.C. This is stated in paragraph 4 of the affidavit in sur-rejoinder filed on behalf of the Respondent nos 1 to 4 dated 22.2.2016.

6. We, therefore, direct the Respondents to take a decision regarding promotion of the Applicant to the post of Range Forest Officer, within a period of three months from the date of this order. In case, the Applicant is considered eligible for promotion to the post of Range Forest Officer, he can seek deemed date of promotion

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based on his seniority. This Original Application is disposed of accordingly with no order as to costs.

Sd/-  
**(R.B. Malik)**  
**Member (J)**

Sd/-  
**(Rajiv Agarwal )**  
**Vice-Chairman**

**Place : Mumbai**  
**Date : 10.03.2016**  
**Dictation taken by : A.K. Nair.**

H:\Anil Nair\Judgments\2016\1. March 2016\O.A 728.15 Promotion order challenged.  
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