

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION Nos.93/2015(Bhandara)**

- 1) Gautam Dashrath Rangari,  
Aged about 48 years,  
Occupation-Naib Tehsildar,  
R/o Lakhandur, Distt. Bhandara.
- 2) Umashankar Anandrao Chakole,  
Aged about 51 years,  
Occupation-Naib Tehsildar,  
R/o Wadsa, Distt. Gadchiroli.
- 3) Gajanan Ramchandra Lanjewar,  
Aged about 53 years,  
Occupation-Naib Tehsildar,  
R/o Sakoli, Distt. Bhandara.
- 4) Sudhakar Shyamrao Malewar,  
Aged about 48 years,  
Occupation-Naib Tehsildar,  
R/o Mohadi, Distt. Bhandara.
- 5) Suresh Ganpatrao Malewar,  
Aged about 56 years,  
Occupation-Naib Tehsildar,  
R/o Tumsar, Distt. Bhandara.
- 6) Smt. Namrata Yuwraj Shahare,  
Aged about 52 years,  
Occupation-Naib Tehsildar,  
R/o Pavanbhumi Layout, Wardha Road,  
Nagpur.
- 7) Pradeep Shrikisan Wadichar,  
Aged about 52 years,  
Occupation-Naib Tehsildar,  
R/o Lakhni, Distt. Bhandara.

8) Chintam Tikaram Pagote,  
Aged about 56 years,  
Occupation-Naib Tehsildar,  
R/o Lakhni, Distt. Bhandara.

9) Moreshwar Chindhuji Jangle,  
Aged about 53 years,  
Occupation-Naib Tehsildar,  
R/o Pauni, Distt. Bhandara.

Applicants.

-Versus-

- 1) State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forests,  
Mantralaya, Mumbai-400 032.
- 2) The Divisional Commissioner,  
Nagpur Division, Nagpur.
- 3) The Collector,  
Bhandara.
- 4) S.S. Murwatkar,  
Aged Major,  
Occupation-Awal Karkun,  
R/o Tumsar, Distt. Bhandara.
- 5) V.M. Sayam,  
Aged Major,  
Occupation-Awal Karkun,  
R/o Chamorshi, Distt. Gadchiroli.
- 6) Mukund S. Khavaskar,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Bhandara.
- 7) Shri Yuvraj M. Ganvir,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Sakoli, Distt. Bhandara.
- 8) Shri G.H. Meshram,  
Aged Major,  
Occupation- Awal Karkun, R/o Bhandara.

- 9) T.H. Nandeshwar,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Lakhni, Distt. Bhandara.
- 10) Sau. R.D. Badwaik,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Bhandara.
- 11) Shri Dhargade, (Initial not known)  
Aged Major,  
Occupation- Awal Karkun,  
R/o Bhandara.
- 12) Shri R.S. Khokle,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Pauni, Distt. Bhandara.
- 13) Smt. S.D. Gawande,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Shri Ganadi. Kothi Road,  
Mahal, Nagpur.

Respondents

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Shri G.N. Khanzode , Advocate for the applicants.  
Shri B.D. Pandit, Advocate for respondent Nos. 4 to 12.  
Shri M.I. Dhattrak, Advocate for respondent No.13  
Shri A.P. Tathod, C.P.O. for respondent Nos. 1 to 3.

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**ORIGINAL APPLICATION Nos.149/2015(Chandrapur)**

- 1) Shri Pramod Ramesh Rao Kulte,  
Aged about 54 years,  
Occupation-Naib Tehsildar,  
R/o Chandrapur.
- 2) Ku. Maya Vasant Rao Buggawar (maiden name),  
Mrs. Maya Mukesh Mudgal,  
Aged about 55 years,  
Occupation-Naib Tehsildar,  
R/o Jalnagar Ward, Chandrapur.

- 3) Ku. Alka Dattatraya Nanpalliwar, (maiden name),  
Mrs. Alka Narendra Alone,  
Aged about 52 years,  
Occupation-Naib Tehsildar,  
R/o Sainagar, Tukum, Chandrapur.
- 4) Ku. Kishori Dinkarrao Siras (maiden name),  
Mrs. Kishori Uday Durgpurohit,  
Aged about 53 years,  
Occupation-Naib Tehsildar,  
R/o Sneh Nagar, Chandrapur.
- 5) Mrs. Pushpa Balkrishna Vairagade,  
Aged about 53 years,  
Occupation-Naib Tehsildar,  
R/o Vishwakarma Colony, Chandrapur.
- 6) Shri Ashok Ganpat Meshram,  
Aged about 55 years,  
Occupation-Naib Tehsildar,  
R/o Omkar Nagar, Naginabaug, Chandrapur.
- 7) Shri Khemdev Vithu Gedam  
Aged about 53 years,  
Occupation-Naib Tehsildar,  
R/o Ram Nagar, Chandrapur.
- 8) Shri Kanha Zitmaji Dadmal,  
Aged about 52 years,  
Occupation-Naib Tehsildar,  
R/o Guru Nagar Shikshak Colony, Bhadrawavi,  
Distt. Chandrapur.
- 9) Shri Namdeo Narayan Dhote,  
Aged about 56 years,  
Occupation-Naib Tehsildar,  
R/o Vitthal Mandari Ward No.1, Chandrapur.
- 10) Narendra Mahadeo Alone,  
Aged about 51 years,  
Occupation-Naib Tehsildar,  
R/o Sainagar, Tukum, Chandrapur.

**Applicants**

**-Versus-**

- 1) State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forests,  
Mantralaya, Mumbai-400 032.
- 2) The Divisional Commissioner,  
Nagpur Division, Nagpur.
- 3) The Collector,  
Chandrapur.
- 4) The Collector,  
Gondia.
- 5) Sou. Megha K. Khati,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Tehsil Office, Chandrapur.
- 6) Shri S.M. Salve,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Distt. Supply Office, Chandrapur.
- 7) Shri R.T. Ukey,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Tehsil Office, Sindewahi,  
Distst. Chandrapur.
- 8) P. P. Bhurle,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Tehsil Office, Warora,  
Distt. Chandrapur.
- 9) Shri S.N. Nagpure,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Tehsil Office, Gondpipri,  
Distt. Chandrapur.
- 10) Shri A.D. Bhaskarwar,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Collector Office, Chandrapur.

- 11) Sou. S.S. Abharlawar,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Tehsil Office, Gondpipri,  
Distt. Chandrapur.
- 12) Shri A.S. Patil,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Tehsil Office, Arjuni Morgaon,  
Distt. Gondia.
- 13) Shri P.R. Atraye,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Tehsil Office, Sadak Arjuni,  
Distt. Gondia.
- 14) Shri N.M. Gawad,  
Aged Major,  
Occupation-Govt. Service,  
R/o C/o Tehsil Office, Arjuni Morgaon,  
Distt. Gondia.
- 15) Shri A.P. Salame,  
Aged Major,  
Occupation- Service as Awal Karkun,  
R/o Collector Office, Chandrapur.  
(Sr. No. as per revised seniority list No.1245 (old seniority list No.1863).
- 16) Shri R.D. Naitam,  
Aged Major,  
Occupation- Service as Awal Karkun,  
R/o Collector Office, Chandrapur.  
(Sr. No. as per revised seniority list No.1229 (old seniority list No.1753).
- 17) Shri S.M. Dandekar,  
Aged Major,  
Occupation- Service as Awal Karkun,  
R/o Collector Office, Chandrapur.  
(Sr. No. as per revised seniority list No.1131 (old seniority list No.1437).
- 18) Shri P.R. Ghorude,  
Aged Major,  
Occupation- Service as Awal Karkun,  
R/o Collector Office, Chandrapur.  
(Sr. No. as per revised seniority list No.1132 (old seniority list No.1580).

- 19) Shri C.G. Telang,  
Aged Major,  
Occupation- Service as Awal Karkun,  
R/o Collector Office, Chandrapur.  
(Sr. No. as per revised seniority list No.1398 (old seniority list No.\_\_\_\_)).
- 20) Shri A.R. Tirañkar,  
Aged Major,  
Occupation- Service as Awal Karkun,  
R/o Collector Office, Chandrapur.  
(Sr. No. as per revised seniority list No.1377 (old seniority list No.\_\_\_\_)).
- 21) Shri A.V. Kalu,  
Aged Major,  
Occupation- Service as Awal Karkun,  
R/o Collector Office, Chandrapur.  
(Sr. No. as per revised seniority list No.1690 (old seniority list No.\_\_\_\_)).
- 22) Shri R.N. Dhande,  
Aged Major,  
Occupation- Service as Awal Karkun,  
R/o Collector Office, Chandrapur.  
(Sr. No. as per revised seniority list No.1691 (old seniority list No.\_\_\_\_)).
- 23) Sou. Geeta Kallurwar,  
Aged Major,  
Occupation- Service as Awal Karkun,  
R/o Collector Office, Chandrapur. **Respondents.**  
(Sr. No. as per revised seniority list No.1698 (old seniority list No.\_\_\_\_)).

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**Shri A.D. Hazarey, Advocate for the applicants.**  
**Shri A.P. Tathod, C.P.O. for respondent Nos. 1 to 4.**  
**None for respondent Nos.5 to 23.**

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**ORIGINAL APPLICATION Nos.153/2015(Gadchiroli)**

- 1) Shri Anil Vithobaji Tammewar,  
Aged about 54 years,  
Occupation-Naib Tehsildar,  
R/o Tehsil Office, Korchi, Distt. Gadchiroli.
- 2) Shri Vikram Sakkindar Gedam,  
Aged about 57 years,  
Occupation-Naib Tehsildar,  
R/o Etapalli, Distt. Gadchiroli.

- 3) Shri Narayan Kevalram Kumare,  
Aged about 54 years,  
Occupation-Naib Tehsildar,  
R/o Tehsil Office, Gadchiroli.
- 4) Rajendra Vitthaalrao Talande,  
Aged about 48 years,  
Occupation-Naib Tehsildar,  
R/o Tehsil Office, Bhamragarh, Distt. Gadchiroli.
- 5) Shri Abdul Ajaj Abdul Rashid Sheikh,  
Aged about 54 years,  
Occupation-Naib Tehsildar,  
R/o Desaiganj, Distt. Gadchiroli.
- 6) Shri Dilip Ramchandra Dorlikar,  
Aged about 54 years,  
Occupation-Naib Tehsildar,  
R/o Collector Office, Gadchiroli.
- 7) Vinod Pandurang Phulbandhe,  
Aged about 52 years,  
Occupation-Naib Tehsildar,  
R/o Armori, Distt. Gadchiroli.

**Applicants**

**-Versus-**

- 1) State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forests,  
Mantralaya, Mumbai-400 032.
- 2) The Divisional Commissioner,  
Nagpur Division, Nagpur.
- 3) The Collector,  
Gadchiroli.
- 4) Shri A.I. Pathan,  
Aged Major,  
Occupation-Naib Tehsildar,  
R/o Gadchiroli.
- 5) Shri D.R. Bhagat,  
Aged Major, Occ- Awal Karkun, R/o Gadchiroli.



- 6) Shri Z.H. Mujoria,  
Aged Major,  
Occupation- Awal Karkun, R/o Gadchiroli.
- 7) Shri P.L. Kubde,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Gadchiroli.
- 8) Smt. P.V. Lokhande,  
Aged Major,  
Occupation- Karkun, R/o Gadchiroli.
- 9) Mrs. S.S. Abhyalawar,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Gadchiroli.
- 10) Shri P.V. Rachelwlar,  
Aged Major,  
Occupation- Awal Karkun, R/o Gadchiroli.
- 11) Shri P.R. Parchake,  
Aged about 57 years,  
Occupation- Awal Karkun,  
R/o Tehsil Office, Korchi, Distt. Gadchiroli.  
(Sr. No. as per old seniority and Sr. No.1350  
as per new seniority.)
- 12) Shri D.R. Bhagat,  
Aged about 48 years,  
Occupation- Awal Karkun,  
R/o Collector Office, Gadchiroli.  
(Sr. No. 994 as per old seniority and Sr. No.1344  
as per new seniority.)
- 13) Shri R.B. Meshram,  
Aged about years,  
Occupation- Naib-Tehsildar,  
R/o Tehsil Office, Etapalli, Distt. Gadchiroli.  
(Sr. No. 850 as per old seniority and Sr. No.1232  
as per new seniority.)
- 14) Smt. Hemlata Masram,  
Aged about 45 years,  
Occupation-Awal Karkun,

R/o Tehsil Office, Armori, Distt. Gadchiroli.  
(Sr. No. \_\_\_\_\_ as per old seniority and Sr. No.1504 as per new seniority.)

- 15) Shri M.B. Wade,  
Aged about Major,  
Occupation- Naib-Tehsildar,  
R/o Collector Office, Nagpur.  
(Sr. No. 1201 as per old seniority and Sr. No.\_\_\_\_ as per new seniority.)
- 16) Shri U.P. Bhaisare,  
Aged about Major,  
Occupation- Awal Karkun,  
R/o Collector Office, Gadchiroli.  
(Sr. No. 1674 as per old seniority and Sr. No.\_\_\_\_  
as per new seniority.)
- 17) Shri D.R. Khobragade,  
Aged about Major,  
Occupation- Awal Karkun,  
R/o Collector Office, Gadchiroli.  
(Sr. No. 1679 as per old seniority and Sr. No.\_\_\_\_ as per new seniority.)
- 18) Shri S.B. Dhakate,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Collector Office, Gadchiroli.  
(Sr. No. 1832 as per old seniority and Sr. No.\_\_\_\_ as per new seniority.)
- 19) Shri L.V. Lade,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Collector Office, Gadchiroli.  
(Sr. No. 1680 as per old seniority and Sr. No.\_\_\_\_ as per new seniority.)
- 20) Shri D.K. Nikure,  
Aged Major,  
Occupation- Awal Karkun,  
R/o Collector Office, Gadchiroli.  
(Sr. No. 1830 as per old seniority and Sr. No.\_\_\_\_ as per new seniority.)

**Respondents**

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**Shri G.N. Khanzode , Advocate for the applicants.**  
**Shri A.P. Tathod, Ld. CPO for respondent Nos. 1 to 3.**  
**None for respondent Nos.4 to 20.**

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**ORIGINAL APPLICATION Nos.154/2015 (Wardha)**

- 1) Shri Rajendra Ramraoji Sayam,  
Aged about 43 years,  
Occupation- Service,  
R/o Gajanan Nagar, Wardha.
- 2) Shri Vinod Pandurangji Hood,  
Aged about 52 years,  
Occupation- Service,  
R/o Cherry Layout, Arvi, Distt. Wardha.
- 3) Rajendra Hariharrao Deshmukh,  
Aged about 51 years,  
Occupation- Service,  
R/o Ram Nagar, Wardha.
- 4) Rajeshwar Pandurangji Masram,  
Aged about 42 years,  
Occupation- Service,  
R/o Vidya Vihar Colony,  
Pipri Meghe, Wardha.
- 5) Manoj Madhdukarrao Awaze,  
Aged about 37 years,  
Occupation- Service,  
R/o Debey Nagar,  
Hudkeshwar Road, Nagpur.

**Applicants**

**-Versus-**

- 1) State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forests,  
Mantralaya, Mumbai-400 032.
- 2) The Divisional Commissioner,  
Nagpur Division, Nagpur.
- 3) The Collector,  
Wardha.
- 4) Smt. Loma Khode,  
Aged Major,  
Occupation-Service,  
O/o Tehsildar, Hinganghat, Distt. Wardha.
- 5) Shri G.V. Sonone,  
Aged Major,  
Occupation-Service,  
O/o Tehsildar, Ashti, Distt. Wardha.

- 6) Shri S.S. Thorat,  
Aged Major,  
Occupation-Service,  
O/o Tehsildar, Ashti, Distt. Wardha.
- 7) Shri M.B. Joshi  
Aged Major,  
Occupation-Service,  
O/o Tehsildar, Arvi, Distt. Wardha.
- 8) Shri P.S. Shinde,  
Aged Major,  
Occupation-Service,  
O/o Tehsildar, Wardha.
- 9) Shri K.P. Salve,  
Aged Major,  
Occupation-Service,  
O/o Tehsil Office, Rajura, Distt. Chandrapur.
- 10) Shri R.M. Kamble,  
Aged Major,  
Occupation-Service,  
O/o EGS Section, Collector Office, Wardha.
- 11) Shri S.L. Deogade,  
Aged Major,  
Occupation-Service,  
O/o Tehsil Office, Hinganghat, Distt. Wardha.
- 12) Shri B.R. Wankar,  
Aged Major,  
Occupation-Service,  
O/o Distt. Supply Office, Wardha.
- 13) Shri K.P. Shende,  
Aged Major,  
Occupation-Service,  
O/o Tehsil Office, Wardha.
- 14) Shri S.P. Bokde,  
Aged Major,  
Occupation-Service,  
O/o Collector Office, Wardha.
- 15) Shri B.M. Chauke,  
Aged Major,  
Occupation-Service, O/o Tehsil Office, Wardha.

- 16) Shri A.A. Dharmadhikari,  
Aged Major,  
Occupation-Service,  
O/o EGS Section, Collector Office, Wardha.
- 17) Shri S.V. Bhagat,  
Aged Major,  
Occupation-Service,  
O/o Tehsil Office, Hinganghat,  
Distt. Wardha.
- 18) Smt. Shila Pendharkar,  
Aged Major,  
Occupation-Service,  
O/o Tehsil Office, Hinganghat,  
Distt. Wardha.
- 19) Shri A.D. Khatdeo,  
Aged Major,  
Occupation-Service,  
O/o Tehsil Office, Samudrapur,  
Distt. Wardha.
- 20) Shri M.W. Fulzele,  
Aged Major,  
Occupation-Service,  
O/o Collector Office, Wardha.
- 21) Shri A.G. Raut,  
Aged Major,  
Occupation-Service,  
O/o Election Section, Collector Office, Wardha.
- 22) Shri P.B. Chauhan,  
Aged Major,  
Occupation-Service,  
O/o Tehsil Office, Arvi, Distt. Wardha.

**Respondents.**

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**Shri S.C. Deshmukh, Advocate for the applicants.  
Shri A.P. Tathod, C.P.O. for respondent Nos. 1 to 3.  
Shri B.D. Pandit, Advocate for respondent No.7.  
None for respondent Nos.4 to 6 and 8 to 22.**

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**ORIGINAL APPLICATION Nos.156/2015 (Nagpur)**

- 1) Shri Umesh Damodar Khanorkar,  
Aged 56 years,  
Occupation- Service,

R/o Plot No.59, Ramana Maroti Nagar,  
Nagpur.

- 2) Shri Anand Gulabrao Ukey,  
Aged 55 years,  
Occupation- Service,  
R/o Plot No.659, Anand Nagar,  
Binaki Layout, Nagpur.
- 3) Shri Purushottam Krushnarao Bhoyar,  
Aged 56 years,  
Occupation- Service,  
R/o Mahalaxmi Nagar No.3,  
Manewada Road, Nagpur.
- 4) Shri Manoj Murlidhar Waghmare,  
Aged 51 years,  
Occupation- Service,  
R/o Plot No.261, Abhyankar Nagar,  
Nagpur.
- 5) Shri Prakash Uddhaorao Wadhai,  
Aged 52 years,  
Occupation- Service,  
R/o Manewada Road, Nagpur.
- 6) Shri Umakant Giridhar Farkade,  
Aged 55 years,  
Occupation- Service,  
R/o Plot No. 153, Mhalgi Nagar, Nagpur.
- 7) Shri Arvind Rambhau Shete,  
Aged 56 years, Occupation- Service,  
R/o Plot No.116, Ulhas Nagar, Manewada Road, Nagpur.
- 8) Shri Nandkumar Nilkanthrao Kale,  
Aged 43 years,  
Occupation- Service,  
Plot No.72, Shrihari Nagar,  
Manewada Road, Nagpur.

**Applicants.**

-Versus-

- 1) State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forests,  
Mantralaya, Mumbai-400 032.
- 2) The Divisional Commissioner,  
Nagpur Division, Nagpur.

- 3) The Collector,  
Nagpur.
- 4) Shri Sanjay R. Bhudade,  
Aged Major,  
Occupation- Service,  
O/o Tehsil Office, Ramtek,  
District Nagpur.
- 5) Shri S.M. Thakre,  
Aged Major,  
Occupation- Service as Nazul Tehsildar,  
Tehsil Office, Nagpur City.
- 6) Shri B.R. Madavi,  
Aged Major, Occupation- Service,  
O/o Zonal Officer, Sadar Zone,  
City Food Wing, Nagpur.
- 7) Shri Smt. Yogit Dhatrak (Darade),  
Aged Major, Occupation- Service,  
O/o Collector Office, Nagpur.
- 8) Shri Smt. B.P. Bawankar,  
Aged Major, Occupation- Service,  
O/o Tehsil Office, Gondia.
- 9) Shri R.N. Sayanwar,  
Aged Major, Occupation- Service,  
O/o Zonal Officer, Mahal Zone, City Food Wing, Nagpur.
- 10) Shri Ranjit K. Dussawar,  
Aged Major,  
Occupation- Service,  
O/o Tehsil Office, Katol,  
Distt.Nagpur.
- 11) Smt. Rajashri Mallewar,  
Aged Major,  
Occupation- Service,  
R/o Collector Office (Election Section),  
Gondia.
- 12) Shri Sunil Wasudeorao Salve,  
Aged 41 years,  
Occupation- Service,  
R/o 108, Umap Layout, Saoli, Amba Darga,  
Dighori Naka, Umrer Road, Nagpur.

- 13) Shri Pravin Bansiram Rathod,  
Aged 52 years,  
Occupation- Service,  
O/o Gajanan Nagar, Dighori, Nagpur.
- 14) Shri Ramesh Vitthalrao Pagote,  
Aged 41 years,  
Occupation- Service,  
R/o 58, Ayodhya Nagar, Nagpur.
- 15) Shri Mahadev Narhari Darade,  
Aged 38 years,  
Occupation- Service,  
R/o 39, Sai Sadan, Near Sai Mandir,  
Ayodhya Nagar, Nagpur.
- 16) Smt. Rohini Vasnatrao Ailwar,  
Aged 53 years, Occupation- Service,  
R/o D-1, Kanchan Malini Flat, Kinkhede Layout,  
Bharat Nagar, Nagpur.

**Respondents**

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Shri N.B. Bargat, Advocate for the applicants.  
Shri A.P. Tathod, C.P.O. for respondent Nos. 1 to 3.  
Shri B.D. Pandit, Advocate for respondent Nos.4,6,7,9 & 10.  
Shri M.I. Dhattrak, Advocate for respondent Nos. 12 to 16.  
None for respondent Nos.5, 8 and 11.

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**ORIGINAL APPLICATION Nos.150/2015.(Gondia)**

- 1) Shri Ramrao T. Lanjewar,  
Aged Major,  
Occupation-Service,  
R/o Salekasa, Distt.Gondia.
- 2) Shri Madan C. Churhe,  
Aged Major,  
Occupation-Service,  
R/o Sadak Arjuni, Distt.Gondia.
- 3) Shri Vijaykumar Dhaniram Amrute,  
Aged about 57 years,  
Occupation-Service,  
R/o Rajendra Ward, Mata Toli, Gondia.
- 4) Shri Radheshyam Dhanpall Rahangdale,



Aged about 57 years,  
Occupation-Service,  
R/o Datta Nagar, Ring Road,  
Near Jankidevi Chauratgade High School, Gondia.

5) Shri Kachrual Bhagwatiprasad Sharma,  
Age about 56 years,  
Occupation-Service,  
R/o Sahayod Colony, Ganesh Nagar,  
Near Dr. Kolte Hospital, Gondia.

6) Shri Pyarelal Pannalal Dhamade,  
Age about 57 years,  
Occupation-Service,  
R/o Near Laxmi Nagar, Ring Road, Gondia.

**Applicants**

**-Versus-**

- 1) State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forests,  
Mantralaya, Mumbai-400 032.
- 2) The Divisional Commissioner,  
Nagpur Division, Nagpur.
- 3) The Collector,  
Gondia.
- 4) Shri Devaji Kashiram Barse,  
Aged Major,  
Occupation-Service,  
R/o Tehsil Office, Salekasa, Distt. Gondia.
- 5) Shri Gyaneshwar R. Nagpure,  
Aged Major,  
Occupation-Service,  
R/o Tehsil Office, Goregaon, Distt. Gondia.
- 6) Smt. Rajashree R. Mallewar,  
Aged Major,  
Occupation-Service,  
R/o Collector Office, Gondia.
- 7) Shri Ravishankar Asaram Wahane,  
Aged Major,  
Occupation-Service,

R/o Tehsil Office, Gondia.

- 8) Shri Naresh Vedi,  
Aged Major,  
Occupation-Service,  
R/o Tehsil Office, Goregaon, Distt. Gondia.
- 9) Shri C.S. Gajbhiye,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Collector Office, Gondia.  
(Sr. No. 713 as per old list, Sr. No. 1407 as per impugned list)
- 10) Shri P.S. Bisen,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Tehsil Office, Sadak Arjuni, Distt. Gondia.  
(Sr. No. 774 as per old list, Sr. No. 1281 as per impugned list)
- 11) Shri S.C. Dharmik ,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Collector Office, Gondia.  
(Sr. No. 916 as per old list, Sr. No. 1283 as per impugned list)
- 12) Shri A.B. Bhure,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Collector Office, Gondia.  
(Sr. No. 996 as per old list, Sr. No. 1287 as per impugned list)
- 13) Shri S.M. Shukla,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Tehsil Office, Goregaon, Distt. Gondia.  
(Sr. No. 1783 as per old list, Sr. No. 1890 as per impugned list)
- 14) Shri K.T. Parate,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Tehsil Office, Arjuni Morgaon, Distt. Gondia.  
(Sr. No. 919 as per old list, Sr. No. 1284 as per impugned list)

15) Shri B.T. Yawalkar,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Tehsil Office, Sadak Arjuni, Distt. Gondia.  
(Sr. No. 1068 as per old list, Sr. No. 1409 as per impugned list)

16) Shri H.Z. Oghare,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Collector Office, Gondia.  
(Sr. No. 1901 as per old list, Sr. No. 1411 as per impugned list)

17) Smt. Shobha Daldale,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Tehsil Office, Goregaon, Distt. Gondia.

18) Shri P.M. Gaidhane,  
Aged Major,  
Occupation-Service as Awal Karkun,  
R/o Collector Office, Gondia.

**Respondents**

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Shri A.A. Madiwale, Advocate for the applicants.  
Shri Atul Bhawsar, Advocate for applicant No.6.  
Shri A.P.Tathod, C.P.O. for respondent Nos. 1 to 3.  
None for respondent Nos.4,5, and 7 to 18.

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**Coram:- B. Majumdar, Vice-Chairman and  
S.S. Hingne, Member (J).**

**Dated: - 14<sup>th</sup> June 2016.**

**Order**

**Per:Vice-Chairman**

The issues raised in all these six O.As as well as the factual matrices being similar and legal issues raised also being common, the C.As as well as the O.As are disposed of through this common order.

The common grievance of the applicants in all these O.As is that after having been promoted as Naib Tehsildar, they have been reverted as Awal Karkun on the basis of revision of the seniority list prepared by the Divisional Commissioner, Nagpur Division, Nagpur (R.2).

A) **C.A. No.293/2015 in O.A. No.93/2015**

In this C.A., the applicant No.6 has prayed that she should be allowed to join as Naib Tehsildar as she had not handed over the charge of Awal Karkun as per the impugned order of reversion dated 26.3.2015, and *status quo* granted by the Tribunal vide its order dated 30.3.2015.

The respondents in their reply submit that the applicant No.6 was relieved from the post of Naib Tehsildar on 27.3.2016 by Smt. Patil and the applicant had joined as Awal Karkun at Bhandara on 17.8.2015. In fact, according to the respondents, all the applicants in O.A. No.93/2015 stood relieved on 27.3.2016.

In view of the above factual situation, we find no merit in this C.A. and hence it stands rejected.

(B) **C.A. No.29/2016 in O.A.No.93/2015, C.A. No.30/2016 in O.A.No.19/2015, C.A. No.31/2016 in O.A.No.150/2015, C.A. No.32/2016 in O.A.No.153/2015, C.A. No.33/2016 in O.A.No.154/2015 and C.A. No.34/2016 in O.A.No.156/2015.**

The respondent No.2, Divisional Commissioner, Nagpur by filing these C.As has prayed for permission to hold a D.P.C. to promote Awal Karkuns as Naib Tehsildars in terms of the revised seniority list published on 11.2.2015 subject to outcome of these O.As. We find that the Tribunal had granted *status quo* on 30.3.2015. Hon'ble the High Court in its order dated 12.5.2015 in W.P. No. 2815/2015 and other writ petitions had directed not to fill up the posts of Naib Tehsildars. The High Court on 29.9.2015 disposed of the writ petitions by directing the Tribunal to decide the O.As in three months after service to the newly added respondents. It also directed that the interim order dated 12.5.2015 will operate during the pendency of the O.As.

In view of the above, we find that the question of allowing the respondents to hold a D.P.C. till the present O.As are decided, does not arise. Hence the C.As are rejected.

(C) **C.A. No.162/2016 in O.A.No.93/2015.**

This C.A. is filed by respondent No.3 praying for dismissal of the O.A. in view of the Tribunal's order dated 16.9.2014 in O.A. No.578/2013 filed by Smt. Rajashree Mallewar (Respondent No.11 in O.A.No.156/2015).

Vide the above order, the Tribunal had directed that the seniority list of Awal Karkuns prepared by the Divisional Commissioner, Nagpur Division, Nagpur (R.2) be corrected after taking into consideration various factors. The present O.As have been filed by the applicants as they are aggrieved that the impugned seniority list published by the said respondents is not in compliance of the above order of the Tribunal. Thus, there is no case for dismissing the present O.As on the basis of the above order of the Tribunal. The C.A. is rejected.

3. **O.A. Nos.93, 149,150, 153,154, and 156 of 2015.**

The applicants in these O.As are Awal Karkuns in different districts of Nagpur Division. They are aggrieved that after they were promoted as Naib Tehsildars on the basis of their seniority as per the earlier Divisional level list prepared by respondent No.2 they have been reverted as Awal Karkuns on the basis of the revised seniority list prepared by respondent No.2 dated 11.2.2015. They have therefore prayed that the impugned seniority list dated 11.2.2015 be quashed and the orders of their reversion as Awal Karkuns should also be set aside.

4. Before we adjudicate into the complex issues regarding inter se seniority of Awal Karkuns for the purpose of deciding

their eligibility for promotion as Naib Tehsildar, we feel that the following facts need to be kept in view:

5. Vide G.R. dated 8.12.1987, the Revenue Qualifying Examination (R.Q.E.) Rules were extended to Nagpur and Amravati Divisions of Vidarbha. Rules regarding Sub-Service Departmental Examination for Clerks were notified on 18.1.1988. On 20.9.1988 these rules were amended. As per Rule 4 a Clerk is required to pass the examination within four years and three chances. As per Rule 5 (2), if a Clerk fails to pass the examination within the stipulated period as per Rule 4 or is not exempted from passing the examination, he stands to lose his seniority. As per Rule 6 (vi), a Clerk in the Revision Divisions of Nagpur and Amravati who has completed three years' of continuous service before the Departmental Examination Rules, 1988 came into force, i.e. on 18.1.1988, is exempted from passing the examination.

6. The Maharashtra Revenue Qualifying Examination (RQE) Rules for promotion to the post of Awal Karkuns from the cadre of Clerk-Typist Rules, 1999 were notified on 7.7.1999. The salient provision of these rules are that a Clerk-Typist has to pass Sub-Service Departmental Examination to be eligible for appearing in the R.Q.E. and he is required to pass R.Q.E. within three chances and nine years

of his continuous service. If he fails to pass the examination as per the stipulated time and chances, he stands to lose his seniority vis-a-vis of Clerks who have passed or are exempted from passing the examination before him. Rule 15 further states that the seniority of a candidate may be fixed on the basis of his passing the examination for qualifying for promotion as Awal Karkun. On 18.10.2006 Government informed the Commissioner, Aurangabad and other Commissioners that the period of 9 years and 3 chances for passing the RQE will count from 7.7.1999, the date of notification of the rules. On 2.8.2008, the Government informed the Collector, Bhadnara as well as Divisional Commissioner, Nagpur Division, Nagpur that the R.Q.E. Rules are deemed to come into effect from the date of their notification, i.e. 7.7.1999.

7. On 23.6.2009, the Principal Bench of this Tribunal at Mumbai disposed of O.A. No. 587/2008 with directions with regard to determination of seniority for promotion as Awal Karkun on the basis of passing of the Sub-Service Departmental Examination and R.Q.E. According to these directions, if a Clerk passes the Departmental Examination within the prescribed time, his seniority is retained. He will however lose his seniority if he fails to pass the examination within the stipulated period and chances. Further, even if he passes R.Q.E.



within the given time and chances, he cannot claim restoration of his seniority as Clerk which he had lost due to delayed passing of the Departmental Examination.

8. On 18.2.2012, the Government issued detailed directions to the Divisional Commissioner, Nagpur as per advice of G.A.D. for deciding the seniority of Awal Karkuns on the basis of passing of the Departmental Examination and R.Q.E. and directed that on the basis of these guidelines the issue of seniority of Clerks for promotion as Awal Karkuns should be suitably reviewed and decided. On 6.12.2013, the Government directed the Commissioner, Konkan Division and also other Commissioners, to prepare the seniority lists as per provisions of the 1999 RQE Rules. On 31.1.2014, the Government issued a Circular, based on the Tribunal's order in O.A. No. 587/2008, directing the Commissioners, *inter alia*, that if an Awal Karkun / Circle Officer passes the R.Q.E. within the given time period and chances, his seniority remains protected and his *inter se* seniority should be decided as per Rule 3 (c) and Rule 4 (1) of the M.C.S. (Regulation of Seniority) Rules, 1982.

9. The applicants in these O.As were promoted as Naib Tehsildars on 11.2.2014. On 11.7.2014, the Principal Bench of this Tribunal at Mumbai disposed of the O.A. No. 46/2014 filed by Awal

137 Karkuns from Konkan Division by directing that as per the above Circular dated 31.1.2014, the seniority of <sup>an</sup>Awal Karkun~~s~~ will count from the date of promotion if he had passed R.Q.E. in time. On 16.7.2014, the Government wrote to the Commissioner, Konkan Division, with copies to all other Commissioners, directing him to revise the seniority list of Awal Karkuns on the basis of the above order of the Tribunal.

On 16.9.2014, the Nagpur Bench of this Tribunal disposed of O.A. No. 578/2013 filed by Smt. Rajashree Malelwar (Respondent No.11 in O.A. No.156/2015) challenging the seniority list of Awal Karkuns prepared by respondent No.2. The Tribunal directed that the said list should be corrected by keeping in view the Circular dated 31.1.2014 and the Government communication dated 16.7.2014 in the light of the Tribunal's order in O.A. No.46/2014.

On 11.2.2015, the respondent No.2 issued a revised seniority list of Awal Karkuns at Divisional level by considering the seniority list prepared by the respective Collectors. The applicants have challenged the legality of this list. On 20.2.2015, Nagpur Bench of this Tribunal disposed of the O.A. No. 408/2005 filed by Awal Karkuns including Shri C.T. Pagote (Applicant No.8 in the O.A. No.93/2015) with the direction that the issue of deemed date in the cadre of Awal Karkuns as per the directions in the communication

dated 2.8.2008 from the Government to the Collector, Bhandara should be decided expeditiously. On 26.3.2015, the applicants were reverted as Awal Karkuns from Naib Tehsildars. The applicants have challenged these orders in the O.A. On 30.3.2015, the Tribunal granted *status quo*, and on 29.4.2015, it directed that no Naib Tehsildar should be reverted on the basis of the impugned revised seniority list. On 12.5.2015, Hon'ble the High Court in W.P. No. 2889/2015 and other Writ Petitions directed not to fill up the posts of Naib Tehsildars without leave of the High Court. On 29.9.2015, Hon'ble the High Court disposed of the Writ Petitions with the direction that the above interim order will continue to operate during the pendency of the O.As and the Tribunal is required to decide the O.As within three months after service to the newly added respondents.

10. It is the submission of the applicants that the impugned seniority list is illegal as it does not consider the following:

- (a) The list is not as per the provision of the Sub-Service Departmental Examination and the R.Q.E. Rules.
- (b) The applicants were initially appointed as Clerks earlier to the respondents and having passed the Sub-Service Departmental Examination and R.Q.E. within the stipulated period and chances, as per the provisions of Rule 4 (1) of the Regulation of Seniority

Rules, they are required to be placed above the respondents.

(c) As per Rule 9 of the Naib Tehsildar (Preparation, Maintenance and Revision of Seniority List) Rules, 2000, the impugned seniority list was required to be approved by the Government for promotion as Naib Tehsildars. This has not been done.

(d) The guidelines issued by the Government vide its communication dated 18.2.2012 to respondent No.2 have not been followed while preparing this list.

11. They further submits that their promotion was done as per the decision of the D.P.C. after following due procedure and considering all factors including correctness of their position as per the seniority list. The applicants also submit that the directions issued by the Government vide its communication dated 16.7.2014 to follow the decision of the Tribunal in O.A. No. 46/2014 are misplaced as the above order of the Tribunal was only applicable to the Konkan Division and not to the Nagpur Division. In fact, directions dated 16.7.2014 based on which the impugned seniority list was prepared, are contrary to this as per communication dated 18.2.2012.

12. The Divisional Commissioner, Nagpur Division, Nagpur (R.2) in his reply to the O.As submits as follows:

**“It is submitted that earlier amalgamated list of the Nagpur Division was prepared and published on 1.1.2012 at the Division level by this answering respondent on the basis of the G.R. dated 18.2.2012. It is further submitted that on the basis of the said list, the temporary / *ad hoc* promotions were given to several candidates including the applicants herein by order dated 11.2.2014 the copy of the same is already on record. A perusal of the order dated 11.2.2014 shall clearly reveal that the said promotion is purely on temporary basis for 11 months only subject to the revision of seniority list. At this juncture, it is necessary to point out here that while preparing and publishing the earlier seniority list, the guidelines issued in the G.R. dated 18.2.2012, particularly clause 4 of the same were misinterpreted and incorrect seniority list came to be published inasmuch as while giving promotions on the pos of Awal Karkuns, the relevant date was considered as the date of entry in the service on the post of Clerk which itself was wrong and contrary to the legal provisions. In view of the provisions of Recruitment Rules, the relevant date should be the date on which the candidate promoted in the cadre of Awal Karkun.**

**“This answering respondent further submits that the respondent No.1 then filed an affidavit in O.A. No.578/2013 filed by Rajashree Malewar, a copy of which is annexed herewith as Annexure R.6 with the reply stating therein that in view of the order passed by the Principal Bench of the Tribunal, Mumbai in O.A. No. 46/2014 and the letter dated 16.7.2014, the direction has been issued to all the**

**Divisional Commissioners to correct the seniority list. It is further submitted that on the basis of the affidavit as above, this Hon'ble Tribunal was pleased to dispose of the above referred O.A. No. 578/2013 by order dated 16.9.2014 with a direction to take action as per the Circular dated 31.1.2014 and the letter dated 16.7.2014 and make necessary corrections in the seniority list of Awal Karkuns as on 1.1.2012 within a period of four months from the date of passing of the order. A copy of the order dated 16.9.2014 passed by this Hon'ble Tribunal is annexed herewith as Annexure R.7 with the reply. Furthermore the order dated 16.9.2014 passed by this Hon'ble Tribunal on O.A. No. 578/2013 is challenged by some of the employees before the Hon'ble High Court by filing the W.P. No.135/2015 and the same is still pending for adjudication."**

13. Thus according to this respondent, the revised seniority list dated 11.12.2015 was prepared and subsequent reversion of the applicants was done after proper interpretation of the Sub-Service Departmental Examination Rules and R.Q.E. Rules, the Government Circular dated 13.1.2014, the directions in the letter dated 16.7.2014, M.A.T., Mumbai's order dated 11.7.2014 in O.A. No.44/2014 and the order dated 16.9.2014 of Nagpur Bench of this Tribunal in O.A. No. 578/2013.

14. The private respondents in these O.As submit that the applicants were promoted for 11 months only on an *ad hoc* basis

and this was subject to revision of the seniority list. Thus they cannot challenge their reversion on the basis of revision of the seniority list which was done as per the order of this Tribunal in O.A. No. 578/2013. Further, the order of this Tribunal in O.A. No. 46/2014 in regard to protection of seniority on passing of the R.Q.E. in time has become final. Hence the revised seniority list dated 11.2.2015 is in accordance with the provisions of Rules 3 (c) and 4(1) of the Regulation of Seniority Rules.

15. Shri G.N. Khanzode, the learned counsel for the applicants in O.A. Nos. 93/2015 and 153/2015 reiterated the submissions of the applicants. He relied on the Govt. communication dated 18.2.2012 to respondent No.2 directing him to review the seniority of Clerks as Awal Karkuns on the basis of provisions of the Departmental Examination and R.Q.E. Rules.

16. With regard to Smt. S.S. Murwatkar (R.4) in O.A. No.93/2015, he submits that she was appointed as a Clerk in 1991 whereas the applicants were appointed between 1981 and 1989. On the basis of her wrong placement in the seniority list due to misinterpretation of the Departmental Examination and R.Q.E. Rules, she was placed above the applicants in the seniority list and was promoted as Aval Karkun in 2005, while the applicants were promoted

during 2009 and 2010. Her supersession over the applicants is not justified as none of the applicants lost his original seniority as per the rules of passing of the above examinations. He specifically relied upon the letter dated 15.1.2011 of Collector, Bhandara to respondent No.2 wherein he had stated that 20 Awal Karkuns who included the applicants have been wrongly placed below Smt. Murwarkar. He also relied upon the letter of the Divisional Commissioner, Nagpur Division, Nagpur (R.2) dated 23.3.2015 to the Collector, Bhandara directing him to examine whether the above 20 Awal Karkuns who are wrongly shown as junior to Smt. Murwatkar should be given the same deemed date of promotion as her. Thus, the Divisional Commissioner had accepted the fact that the Smt. Murwatkar was junior to the applicants. He further relied upon the letter dated 6.11.2015 from Collector, Bhandara to the Divisional Commissioner wherein he had clearly stated that Smt. Murwatkar was wrongly granted seniority in the cadre of Awal Karkun based on the date of her promotion as Awal Karkun.

17. In answer to the question as to why the applicants did not agitate regarding the seniority vis-a-vis Smt. Murwatkar when she was promoted way back in 2005, the learned counsel stated that a number of Awal Karkuns including one of the present applicants, Shri C.T. Pagote, had filed O.A. No. 408/2005 challenging their



supersession by Smt. Murwatkar. The applicants withdrew the O.A. in 2015 with this Tribunal issuing directions that the deemed date of seniority should be decided as per the Government's directions dated 2.8.2008.

18. Shri A.D. Hazarey, the learned counsel for the applicants in O.A. No. 149/2015, Shri A.A. Madiwale, the learned counsel for the applicants in O.A. No. 150/2015, Shri S.C. Deshmukh, the learned counsel for the applicants in O.A. No. 154/2015 and Shri N.B. Bargat, the learned counsel for the applicants in O.A. No. 156/2015 generally adopted the submissions made by Shri G.N. Khanzode as above.

19. Shri B.D. Pandit, the learned counsel for the respondent Nos. 4,6,7,8 and 12 in O.A. No. 93/2015 submitted that vide prayer clause 2, the applicants have prayed for their placement above Smt. Murwatkar in the list of Awal Karkuns. This is not consequential to the first prayer clause challenging the seniority list of 11.2.2015. Smt. Murwatkar for the first time was placed above the applicants in the seniority list of 2005. One of the applicants had filed O.A. No. 408/2005 challenging this list and promotion of Smt. Murwatkar. Subsequently they withdrew the O.A. Hence they are now estopped from agitating for granting the same relief and

challenging the promotion of Smt. Murwartkar by filing the present O.A at such a belated stage.

20. Shri Atul Bhawsar, the learned counsel for the respondent No. 6 in O.A. No. 155/2015 submitted that the Government direction dated 18.2.2012 are contrary to the provisions of the Sub-Service Departmental Examination Rules as amended in 1993 and the R.Q.E. Rules of 1987 and 1999. He further submitted that the order of the Principal Bench of this Tribunal at Mumbai in O.A. No. 587/2010 is not applicable to the employees in the Nagpur Division. The applicants joined as Clerks in 1981-82 whereas the respondents joined in 1991-92. Thus, they were governed by the provisions of R.Q.E. Rules of 1987 till the 1999 Rules came into force. Thus in terms of the provisions of the earlier rules, the applicants were entitled to two chances in 17 years to pass the R.Q.E. Some of the applicants did not pass the examination in two chances and hence they cannot be allowed to retain their seniority. He also submitted that directions as per the above communication dated 18.2.2012 cannot supersede the statutory rules of seniority.

21. Shri A.P. Tathod, the learned C.P.O. mainly reiterated the submission of the respondent No.2 in these O.As. He submitted that the earlier seniority list of 16.7.2013 of Awal Karkuns

based on which the applicants were promoted, was not as per the Govt. Circular dated 18.2.2012 and hence it was reviewed and consequently the impugned seniority list of 11.2.2015 was published. This was also in compliance with the orders of the Principal Bench of this Tribunal dated 11.7.2014 in O.A. No. 47/2014 upholding the circular dated 6.12.2013 interpreting the 1999 R.Q.E. Rules, i.e., seniority will be from the date of promotion as Awal Karkun if the concerned employee has passed the R.Q.E. within the prescribed years and chances.

22. We find that the impugned seniority list of 11.2.2015 prepared at the Divisional level by respondent No.2 was purportedly in compliance with this Tribunal's (Nagpur Bench) order dated 16.9.2014 in O.A. No. 578/2013. This Tribunal had directed that the seniority list of Awal Karkuns as on 1.1.2012 should be revised keeping in view the following:

- (a) The Circular dated 31.1.2014.
- (b) The order of Principal Bench of this Tribunal at Mumbai dated 11.7.2014 in O.A. No. 47/2014.
- (c) The Government's communication dated 16.7.2014 to the Divisional Commissioner, Konkan Division and other Divisional Commissioners.

23. The grievance of the applicants is that the impugned seniority list does not reflect proper consideration of the above directions of the Tribunal, and specifically with regard to the provisions of the Sub-Service Departmental Examination and R.Q.E. Rules related to retention of original seniority.

24. It is necessary to state here once again that the Principal Bench of this Tribunal at Mumbai in its order dated 23.6.2009 in O.A. No.587/2008 had examined the provisions of the Sub-Service Departmental Examination Rules, 1988 including the amendment Rules, 1993 and R.Q.E. Rules, 1999. It had then held as follows:

**"17. Keeping in view the scheme of examination prescribed for the Sub-Service Departmental Examination in 1988 as amended in 1993 as also the 1999 Rules for the R.Q.E. required for promotion to the post of Awal Karkun, we intend to endeavour a harmonious interpretation of the rules as they stand today. .**

**18. It is clear that the Sub-Service Departmental Examination Rules require a clerk to pass the examination within the stipulated period and it is only after passing the examination that a clerk gets confirmation. After the 1993 amendment, besides losing increments, he also loses seniority in the cadre**

of clerks and ranks below all clerks, who have passed the examination before him. Keeping in view this provision, it is clear that the applicant had passed the examination within the prescribed period and his seniority in the clerical cadre needs to be counted from 6.4.2000, the date of his appointment.

19. The Rules of 1999 prescribe the R.Q.E. for promotion to the post of Awal Karkun. Rule 3 indicates that every clerk-typist shall be required to pass the examination for being eligible for promotion as Awal Karkun. Rule 7 indicates that a clerk-typist has had passed the examination within the period prescribed by Rule 6 shall retain his original seniority. If he fails to do so, he will lose his seniority to all clerk-typists who have passed or are exempted from passing the examination before him.

20. Thus there are two stages where loss of seniority is envisaged. If the Sub-Service Departmental Examination is not passed within time, the clerk loses his seniority after the amendment of 1993 and his name will not figure in the list of confirmed clerks until he passes the examination. The second stage is that of passing the qualifying examination for promotion to the post of Awal Karkun. According to our view, harmonious interpretation requires that only the confirmed clerks as per their seniority (after loss, if any, for delaying passing of examination) will be the feeder cadre for the post of Awal Karkun. Amongst

them, if a clerk does not pass the examination within the prescribed time limit, then he loses further seniority among the confirmed clerks. This interpretation would necessarily imply that a clerk who had lost his seniority for delayed passing of Sub-Service Departmental Examination, can not regain his original seniority only if he passes the qualifying examination in time. Both the requirements are essential and lay down prescribed time period at the Sub-Service Departmental Examination level and the qualifying level”.

25. Following the above order, on 6.12.2013 the Government informed the Divisional Commissioner, Konkan Division that as per the 1999 R.Q.E. Rules, if a clerk has passed the examination within given years and chances, he regains his original seniority while getting promoted to the cadre of Awal Karkun. The Principal Bench of this Tribunal at Mumbai in its order dated 11.7.2014 in O.A. No. 46/2014 had held that the instructions in the above circular of 6.2.2012 are unambiguous and legally correct. Thereafter on 16.7.2014, the Government informed the Divisional Commissioner, Konkan Division, Konkan and other Divisional Commissioners to revise the seniority list of Awal Karkuns and Circle Officers.

26. From the above, it will be clearly seen that as per the Circulars issued from time to time especially following the orders of Principal Bench of this Tribunal at Mumbai in O.A. No. 46/2014 t all the Divisional Commissioners and Collectors were required to comply with the Tribunal's order dated 23.6.2009 in O.A. No.587/2008.

Shri Atul Bhawsar, learned counsel for respondent No.6 in O.A. No.155/2019 had submitted that some of the applicants were governed by the provisions of R.Q.E. Rules of 1987. We find that the seniority of the applicants and respondents in the cadre of Awal Karkun was finalized in 2014 when the 1999 Rules were in force. The Government vide its communications dated 18.10.2006 to all Commissioners and 2.8.2008 to Collector, Bhandara and the Commissioner, Nagpur had confirmed that the R.Q.E. Rules will be applicable from the date of their notification, that is, 7.7.1999 for counting the period and chances for passing. Hence, we find no reason for harping on the old Rules, since superseded, for deciding the seniority of the applicants and the respondents.

27. Hence the principles that would determine the issue whether a Clerk on promotion as Awal Karkun will retain his original seniority in the cadre of Clerk can be enumerated as follows:

- (i) **At the first stage** of passing of the Sub-Service Departmental Examination (as per 1993 amendment):
- (a) If a Clerk passes the Sub-Service Departmental Examination within four years and in three chances, he retains his original seniority.
  - (b) If he has completed three years service prior to 18.1.1988, he is exempted from passing the Examination and hence his seniority remains unaffected.
  - (c) If he has completed 45 years of age prior to 18.1.1988, he stands to retain his seniority.
  - (d) If he attains the age of 45 years after 18.1.1988, he will be exempted passing the examination with effect from the date of reaching that age. In such a situation, he stands to lose his seniority vis-a-vis those who had passed the examination or were granted exemption therefrom on an earlier date.
- (ii) **At the second stage** i.e. passing of the R.Q.E.
- (a) A Clerk will regain his original seniority if he passes the R.Q.E. within nine years of service and three chances.
  - (b) As per the Circular letter to all the Divisional Commissioners dated 18.1.2006, the period of



nine years and three chances will count from 7.7.1999, i.e. the date of notification of the rules and it will also apply to the Clerks of the Nagpur Division.

- (c) The seniority list at the first stage of passing of the Departmental Examination will not be restored on passing of the R.Q.E. within a given time and chances.
- (d) If a Clerk fails to pass the R.Q.E. within the stipulated period and chances, he will lose his seniority to all those who have passed or are exempted from passing the examination before him.
- (e) Once seniority of a Clerk is determined on the basis of his passing the Sub-Service Departmental Examination and R.Q.E., his further *inter se* seniority vis-a-vis other Clerks will be determined on the basis of Rule 3 (c) (Definition of Continuous Service) and Rule 4 (General Principles of Seniority).

At this stage and before proceeding further, the issue that we feel needs to be addressed is whether a Clerk in the Nagpur Division, where Sub-Service Departmental Examination was held for the first time in 1995 who was exempted from the examination on reaching the age of 45 years prior to 1995, is entitled to retain his original seniority. Rule 3 (a) of the 1993 Amendment Rules of

Examination states that if for some reason an examination is not held in a year, that year will be exempted from computing the period of four years for passing the examination. A natural corollary to this provision is that a Clerk who is exempted on reaching the age of 45 years prior to holding of the examination for the first time will retain his original seniority.

Having considered all the issues as above and after examining the principles for fixation of seniority on the basis of the provisions of Sub-Service Departmental Examinations and R.Q.E. Rules, as per para 27 above, we now examine if the impugned Division level seniority list of 1.2.2015 correctly reflects the *inter se* seniority of the applicants vis-a-vis the respondents in the O.As. Undisputedly the impugned list is on the basis of seniority of Awal Karkuns as per the seniority list prepared at the district level. We take up the cases of the applicants vis-a-vis the respondents in each of the districts as follows:

(A) **Bhandara District (O.A. 93/2015)**

(i) The applicants have specifically challenged the placement of Smt. S.S. Murwatkar (R.4) above them in the impugned seniority list dated 11.2.2015. She is placed at Sr. No.1252 whereas the applicants are placed between 1578 to 1775. She was appointed

as a Clerk in 1991 and passed R.Q.E. in 1995. She was promoted as Awal Karkun in 2005.

(ii) The applicant Nos. 2 to 8 were appointed in 1981 and 1982 and the applicant No.1 was appointed in 1989. It is not disputed that Smt. S.S. Murwatkar and other respondents as well as the applicants had passed the Sub-Service Departmental Examination within four years after it was held for the first time in 1995. Thus all retained their seniority on passing of the Sub-Service Departmental Examination. Smt. Murwatkar as well as the applicants passed the R.Q.E. within nine years and three chances, counting from 7.7.1999. Thus, in terms of the Tribunal's order in O.A. Nos. 587/2008 and 46/2014, as none of the applicants had lost his / her seniority on account of delayed passing of the R.Q.E., the seniority as Awal Karkun is required to be counted from the date of entry in service as Clerk by following the provisions of Rule 4 r/w Rule 3 of the Regulation of Seniority Rules. From the impugned seniority order, it is clearly seen that this has not been done by the Collector, Bhandara while preparing the district level seniority list dated 5.11.2014 based on which the impugned seniority list dated 11.2.2015 was prepared.

(B) Wardha District.(O.A. 154/2015)

(i) It is to be noted that the respondents, namely, Smt. Loma Khode, G.V. Sonone, S.S. Thorat and M.B. Joshi (R. 5 to 8) are promoted as Naib-Tehsildars from the cadre of Revenue Inspector. The channel of promotion of Revenue Inspectors as Naib Tehsildar is different from that of Awal Karkun to Naib Tehsildar. Hence cases of these respondents are required to be excluded and precluded while deciding the disputes raised in the O.A.

In case of Shri R.N. Kamble (R.10), we find that he had passed the Departmental Examination on 3.7.1999. He did not pass the examination within four years of holding the examination for the first time in 1995. Hence, his seniority is required to be counted from 3.7.1999. He passed the R.Q.E. on 27.10.1999 in the first chance. Hence he does not suffer any loss of seniority on this count. On the basis of the above, his deemed date for promotion as Awal Karkun is to be counted from 3.7.1999.

Similar is the case that Shri S.D. Bokde (R.14). He passed the Departmental Examination on 30.7.1999 in the fourth chance. He passed the R.Q.E. in the first chance in 1999. Hence his seniority is required to be counted from 30.7.1999.

Shri B.M. Choube (R.15), Shri A.A. Dharmadhikari (R.16), Shri S.B. Bhagat (R.17) Smt. Shilpa Pendarkar R.18), Shri M. B. Fulzele (R.20), Shri A.G. Raut (R.21) and Shri P.V. Chavan (R.22) are similarly required to be granted deemed date of promotion as Awal Karkun from the date of passing of the Sub-Service Departmental Examination, as they did so beyond the period of four years and / or three chances.

**(C) Chandrapur District (O.A. 149/2015)**

All the applicants had completed three years' of continuous service as Clerk prior to 18.1.1988. Hence, in terms of Rule 6 (vii) of the 1993 amended Sub-Service Departmental Examination Rules, they are exempted from appearing in the examination. They have all passed the R.Q.E. in 1999 within three chances. Hence, they are entitled to retain their original seniority based on the date of their entry in service. However, in case of respondent No.5 Smt. Megha Khati, she was appointed as a Clerk on 21.3.1979. As per Rule 6 (vii) of the 1993 amended Sub-Service Departmental Examination Rules, she is exempted from passing the examinations as she had put in three years' of continuous service prior to 18.1.1994. She however passed R.Q.E. on 21.10.2000 in 5<sup>th</sup>

chance. Hence, her seniority as Clerk is required to be counted from 21.10.2000.

**(D) Nagpur District (O.A. 156/2015)**

The applicants have not produced before us the impugned revised seniority list dated 11.2.2015 showing their position as well as those of the respondents. We had orally directed Shri N.B. Bargat, learned counsel for the applicants to produce before us a chart, similar to those produced by the applicants in other three O.As in respect of individual district, showing details like date of birth, date of entry in service, passing of Sub-Service Departmental Examination and R.Q.E. including the chances availed and the seniority position in the impugned seniority list in respect of the applicants and the respondents. Unfortunately and to our dismay, the learned counsel for the applicants did not produce such a chart. We are also not in a position to glean the relevant data from the voluminous record produced before us. Hence, instead of citing cases of individual applicants / respondents, we direct respondent Nos. 2 and 3 to review the seniority list prepared at the level of respondent No.3 and the impugned list at Division level, on the basis of the criteria and consideration that we have already enumerated above.

(E) Gadchiroli District (O.A. 153/2015)

As is the case of Nagpur Division, no chart showing details of entries in service, passing of Sub-Service Departmental Examination and R.Q.E. and serial number in the impugned seniority list etc. has been produced before us. It would therefore be suffice to state here that the seniority list of Awal Karkuns at the District level is required to be reviewed and recast, if necessary, by Collector, Gadchiroli (R.3) to enable respondent No.2 to use the same as the basis for reviewing and revising the Division level seniority list of Awal Karkuns for further promotion as Naib Tehsildars.

We wish to make a note here of the fact that respondent No.16 O.P. Bhaisare has not been served. However, considering the rather wide aspects of the issues which are common to all the five districts and the large number of applicants and respondents involved in all these O.As we felt that it would not be proper to further delay closing of the O.A. only to enable the applicants to serve the respondent No.16. It has also weighed in our mind that his interests are adequately covered in the adjudication of these O.As. As such, as this respondent has not been served, we make it clear that the respondent No. 16 is at liberty to approach the Tribunal, if he is aggrieved with the revision of the seniority list of Awal Karkuns at the

District as well as Division levels as per the exercise which is required to be carried out by respondent Nos. 2 and 3.

(F) **Gondia District (O.A. 150/2015)**

It may be noted here that 12 Clerks from Gondia District had earlier filed O.A. No. 578/2004 challenging the seniority list of Clerks dated 10.7.2004. The grounds and basis of challenging the said seniority list were the same as in the present O.A., in short, that the Rules of Sub-Service Departmental Examination and R.Q.E. were not properly applied in determining their seniority for promotion as Awal Karkun. The Bench of which one of us (Shri B.Majumdar) was a Member, had disposed of the O.A. vide its order dated 16.1.2016 by quashing and setting aside the impugned seniority list and directing the Collector, Gondia (R.3 in the present O.A. No.150/2015) to reconstitute the seniority list in the light of observations made by the Tribunal in the O.A. which are similar to what we have made in the present O.As. We are given to understand that this exercise is yet to be carried out by respondent No.3. It is quite obvious that unless R.3 revises the 2004 seniority list of Clerks and considers the promotion of the applicants in O.A. 578/2004 as Awal Karkun, consequent to revision of the seniority list, he will not be in a position to take up the further exercise of preparing the seniority list of Awal Karkuns for



further promotion as Naib Tehsildars. We therefore direct respondent No.3- Collector, Gondia to complete the exercise as above expeditiously. We cannot help feeling anxious that the pending action as above at the level of respondent No.3, initiation and completion of action by respondent No.2 i.e. Divisional Commissioner, Nagpur to revise the Division level seniority list of Awal Karkuns, will remain incomplete.

On the basis of detailed observations that we have made as above and various considerations which we have elaborated so far, we conclude by stating that the respective Collectors are required to review and revise the District level seniority list of Awal Karkuns and thereafter the respondent No.2 i.e. Divisional Commissioner, Nagpur will prepare the Division level seniority list. We therefore dispose of the O.As in terms of the following directions:

(i) The impugned seniority list dated 11.2.2015 prepared by respondent No.2 is quashed and set aside.

(ii) The Collectors, Nagpur, Wardha, Bhandara Chandrapur and Gadchiroli will review the seniority list of Awal Karkuns for their respective districts by strictly keeping in view our observations at para 27 above.

(iii) The Collector, Gondia will finalize the seniority list of 2004 of Junior Clerks in compliance with the Tribunal's order dated

12.1.2016 in O.A. No.578/2004. Thereafter, he will carry out the exercise of promoting Junior Clerks as Awal Karkuns, following which he will prepare the seniority list of Awal Karkuns by taking action as at (ii) above.

(iv) The above seniority lists will be circulated to the concerned employees for raising objections, if any, and after receiving the same, the Collectors will finalize and publish the same.

(v) The respondent No.2 Divisional Commissioner, Nagpur will prepare and publish the seniority list of Awal Karkuns at Division level and circulate it among the concerned employees. Thereafter he will publish the final seniority list. Further promotion as Naib Tehsildars will be granted on the basis of this seniority.

(vi) Pending action as above, no Awak Karkun who has been promoted as Naib Tehsildar on the basis of the earlier Division level seniority list, will be reverted.

(vii) As the exercise involved as above is bound to be an elaborate one and time consuming, we are not setting any time limit for its completion. We however expect the Collectors and the respondent No.2 Divisional Commissioner, Nagpur to complete the exercise as expeditiously as possible.

(viii) No order as to costs.

(S.S.Hingne)  
Member (J)

(B.Majumdar)  
Vice-Chairman