

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.986 OF 2015  
(OA No.160 of 2014 – Aurangabad Bench)**

**DISTRICT : JALNA**

Smt. Swati Govindrao Jagdhane, )  
Age 31 years, occ. service, )  
R/o At present C/o O/o Sub Registrar, )  
Jafrabad, District Jalna )  
Permanent address: H.No.311, Police Colony, )  
Ramnagar, Jalna, District Jalna )..Applicant

Versus

1. The State of Maharashtra, )  
Through Collector, Jalna )
2. Joint District Registrar, Class-I, Jalna )..Respondents

Shri V.B. Wagh – Advocate for the Applicant

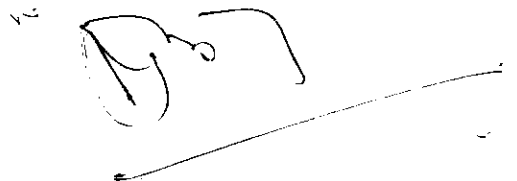
Shri N.K. Rajpurohit – Chief Presenting Officer for the Respondents

CORAM : Shri Rajiv Agarwal, Vice-Chairman

Shri R.B. Malik, Member (J)

DATE : 4<sup>th</sup> February, 2016

PER : Shri R.B. Malik, Member (J)



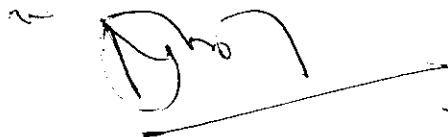
**J U D G M E N T**

1. Heard Shri V.B. Wagh, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer (CPO) for the Respondents.

2. The applicant by this OA in effect seeks directions to the respondent no.2 Joint District Registrar, Class-I, Jalna to consider her promotion from Class IV to Class III post in accordance with her position in the seniority list. Further direction is sought to faithfully adhere to the ratio of promotion : nomination as 25:75 for appointment to Class III post.

3. This OA was filed at Aurangabad as OA No.160 of 2014 but in view of the fact that a regular Division Bench is not available there it has been transferred to this Principal Bench.

4. We have perused the record and proceedings. As a result of the debate that took place at the bar it is not really necessary to set out the facts in great detail because certain positions have now become quite crystallized and solidified with the result the course of action to be adopted would become easy.



5. There is fixed quota of 25% for being filled from Class IV to Class III. The applicant belongs to Class IV and in fact Shri Wagh, Ld. Advocate told us by inviting reference to Exhibit E page 27 that one time colleagues of the applicant, whose names appear from Sr. No.4 to 8 on page 27 have already been promoted to Class III posts under Collector, Jalna. However, such a promotion according to the applicant has not been given to those working in the office of Joint District Registrar, Jalna.

6. At this stage the learned CPO interjected with permission to refer to 100 point roster to try to buttress his contention that the ratio has been maintained. In accordance therewith according to him the posts for promotees are 5. 3 posts have been filled up and there were 2 vacancies as in the year 2011 which came to be filled in that year. The Ld. CPO on instructions informed that there is no vacancy left for promotees. He also invites our attention to his affidavit in reply page 33 para 3.

7. Now granting all attitudes to all concerned in the first place and that is crucial aspect of the matter, it is apparently an admitted position that the seniority list has not been published. Because had it been done all concerned persons affected including perhaps the applicant would have got an opportunity to submit objections etc., if so advised. The respondents have affected the promotions without there being a



seniority list and there is absolutely no guarantee of the accuracy of the promotions effected, if any, on the basis of 100 point roster to which our attention has been invited. In all fairness, therefore, any promotion even if made, without seniority list would tantamount to what can aptly be described as putting cart before the horse and if appropriate measures are not adopted just now there is every likelihood of the state of affairs getting perpetuated with constant source of litigation looming large. Even otherwise in the background of the events that have happened nobody including the applicant would be sure as to whether she had a rightful claim in the first place and then as to whether that claim has been improperly denied.

8. Therefore, although in the OA directions are sought as indicated at the outset but in our opinion there is no other go but to dispose off this OA with directions to the respondents to publish the seniority list which would also include the posts by promotion already filled up to make sure of it being accurate. The compliance should be within three months from today. OA is disposed off accordingly with no order as to costs.

Sd/-  
**(R.B. Malik)**  
**Member (J)**  
**4.2.2016**

Sd/-  
**(Rajiv Agarwal)**  
**Vice-Chairman**  
**4.2.2016**

Date : 4<sup>th</sup> February, 2016  
Dictation taken by: S.G. Jawalkar.