

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 264 OF 2013

DISTRICT : - OSMANABAD.

Dasrao S/o. Trimbakrao Deshpande,

Age: 53, Occu: Service,
At present posted Circle Officer,
at Jawla Parnda, Tq. Parnda,
Dist. Osmanabad.

.. APPLICANT.

V E R S U S

1. **The State of Maharashtra,**
Through Chief Presiding Officer,
mat Aurangabad,
[Copy served to the presiding officer]
2. **The District Collector Osmanabad,**
Osmanabad.
3. **The Sub-Divisional Officer, Osmanabad.**
Dist. Osmanabad

APPEARANCE : Shri Santosh N. Patne, learned
Advocate for the Applicant.

: Smt. Resha S. Deshmukh – learned
Presenting Officer for the
respondents.

CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).
AND
: HON'BLE SHRI B.P. PATIL,
MEMBER (J)

DATE : 17TH FEBRUARY, 2017.

ORAL ORDER

[Per : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)]

1. This Original Application has been filed by the applicant seeking directions to the respondents to consider his case for promotion from the post of Talathi to the post of Circle Officer.

2. Learned Advocate for the Applicant submits that the Applicant was eligible for promotion to the post of Circle Officer in the year 2002. However, he was promoted as Circle Officer on 21.2.2013. He has, therefore, filed this Original Application seeking deemed date of promotion from the earlier date i.e. from 2002 when persons junior to the Applicant were so promoted.

3. Learned Presenting Officer states that this Original Application is premature as the Applicant has not made any representation to the Competent Authority for grant of

deemed date of promotion after he was promoted to the post of Circle Officer on 21.2.2013. She, therefore, prayed that this Original Application may be dismissed on that count.

4. We find that this Original Application has been pending in this Tribunal for long period, we are not inclined to dismiss this Original Application, though the fact that there is nothing on record to show that the Applicant has made any representation to the respondents after he was promoted as Circle Officer on 21.2.2013. However, in the interest of justice this Original Application is disposed of with the following directions: -

(A) If the applicant files representation giving reasons as to why he is entitled for promotion from the earlier date than the date on which he was actually promoted, the same may be decided by the respondents within a period of two months from the date of receipt of copy of the application/representation.

(B) The Applicant is well advised to submit his representation in this regard within a period of one month from the date of this order.

(C) There shall be no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

O.A.NO.296-2012(hdd)-2017(DB)