

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 644 OF 2015

DISTRICT: - BEED.

Smeeta Rajkumar Ghayal,
Age : 49 years, Occu. : Service,
R/o. Dnyaneshwarnagar, Behind ITI,
Maruti Mandir, Beed,
Tq. & Dist. Beed.

.. APPLICANT

V E R S U S

1. The State of Maharashtra
Through the Secretary,
Labour Employment Department,
Mantralaya, Mumbai.

2. The Labour Commissioner,
Kamgar Bhavan,
Behind Reserve Bank of India,
B.K.C. Bandra (East),
Bandra-Kurla Complex, Mumbai. .. RESPONDENTS

(Copy of respondent Nos. 1 & 2 is
served on P.P. office of Hon'ble Tribunal
Bench at Aurangabad).

APPEARANCE : Shri P.C. Mayure, learned Advocate
for the applicant.

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

CORAM : **JUSTICE M.T. JOSHI, V.C.**
AND
SHRI ATUL RAJ CHADA, MEMBER (A)

DATE : **23rd April, 2018.**

J U D G M E N T

[Per : Justice M.T. Joshi, V.C.]

1. Heard Shri P.C. Mayure, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The applicant was appointed as a Clerk-cum-Typist on 7th April, 1997, Annexure 'A-1', page-11 of the O.A., from the category of Project Affected Persons. She however, claims that she should have been appointed as Minimum Wage Inspector. The copy of her application at page No. 33 of the O.A. would show that though she was qualified for the post of Minimum Wage Inspector, she informed that in case it would not be possible to appoint her on the said post, she may be appointed as a Clerk-cum-Typist. Later on, she secured information in 2008 under Right to Information Act and the information she received is at Exhibit 'A-3', page-18 of the O.A. It would show that during the relevant period 2 posts were to be filled while 4 posts were already filled in.

3. In affidavit in reply at paragraph No. 6, respondent Nos. 1 & 2 made a statement on oath that no post for direct recruitment was available during the relevant period and the

only promotional posts were available. In that view of the matter, there is no merit in the present Original Application.

4. Additionally, it is an admitted fact that later on she was promoted on the post of Shop Inspector, Grade-II, as per seniority cum merit vide order dated 25.07.2014 as can be seen from paragraph No. 9 of the affidavit in reply of respondent Nos. 1 & 2.

5. In that view of the matter, the present Original Application is dismissed without any order as to costs.

**ATUL RAJ CHADHA
MEMBER (A)**

**M.T. JOSHI
VICE CHAIRMAN**

PLACE : AURANGABAD.

DATE : 23RD APRIL, 2018.

O.A.NO.644-2015 (DB)-HDD-2018