

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 1163 / 2021 (S.B.)**

Uttam Chandrakant Poman,
Aged about 49 years, Occupation:-Service,
O/o Nagpur Central Prison,
District - Nagpur (M.S.)

Applicant.

Versus

- 1) The State of Maharashtra,
through its Additional Chief Secretary (A & S),
Home Department (Prison),
Mantralaya, Mumbai- 32.
- 2) Additional Director General of Police
& Inspector General of Prison,
Pune-1.

Respondents

Shri S.C.Deshmukh, Id. Advocate for the applicant.

Shri S.A.Sainis, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri M.A.Lovekar, Member (J).

JUDGMENT

Judgment is reserved on 10th March, 2022.

Judgment is pronounced on 15th March, 2022.

Heard Shri S.C.Deshmukh, Id. counsel for the applicant and
Shri S.A.Sainis, Id. P.O. for the Respondents.

2. Case of the applicant is as follows. In D.P.C. dated 19.05.2018 promotion was not given to the applicant because it was wrongly concluded that D.E. was pending against him. By letters dated 20.11.2020 and 28.10.2020 (A-2 collectively) the applicant showed that no D.E. was pending against him. When promotions were given to 19 persons in D.P.C. dated 19.05.2018, 28 posts were vacant in various Revenue Zones as shown in Annexure-3. By order dated 19.10.2021 (A-4) the applicant was promoted w.e.f. 19.05.2018 to the post of Jailor Grade-1 and posted at Central Prison, Nagpur. As per procedure prescribed in G.R. dated 15.06.2017 (A-6) chart (A-5) of vacancies in various divisions is prepared. As per this G.R.:-

"After allotment of Revenue Divisions as per sub-clause (5), if vacancies in the Revenue Divisions are not available for allotment as per the choice of the officers, then for such remaining officers in the select list, the Revenue Divisions shall be allotted by rotation as per their serial numbers in the select lists, by taking into consideration the remaining vacancies available for allotment in all the Revenue Divisions, in the sequential order of Nagpur, Amravati, Aurangabad, Konkan-I, Part of Konkan, Nashik, Konkan-II, part of Konkan and Pune Revenue Divisions."

Had the applicant been promoted in D.P.C. dated 19.05.2018, he could have been accommodated in the Revenue Zone/ Division of his choice. Since this did not happen many vacancies in various Zones which the applicant could have chosen were filled up. As per the G.R. the applicant is entitled to be posted in Kokan Division-2 or at Yervada Central Prison, Pune in Pune Division. The applicant made representations (A-7, Collectively) to post him in Kokan Division-2 or at Pune. Presently posts are vacant in Kokan Division-2, at Mumbai, Thane,

Kalyan and in Pune Division in Yervada Central Prison. Now, respondent no. 2 intends to fill posts of Jailor, Grade-1 in Kokan Division-2/Yervada Central Prison. Respondent no. 2 has called information for the purpose by letter dated 29.11.2021 (A-8). For all these reasons, by modifying order dated 29.10.2021 (A-4), to the extent of posting of the applicant, respondent no. 2 be directed to post the applicant on any vacant post of Jailor, Grade-1 in Kokan Division-2 or at Yervada Central Prison.

3. Reply of respondent nos. 1 & 2 is at pages 41 to 45. To this reply minutes of D.P.C. dated 19.05.2018 (A-R-1), letter dated 29.11.2021 (A-R-2) communicating reasons to the applicant as to why he cannot be posted in Pune Revenue Zone, and letter dated 17.01.2022 (A-R-3) stating reasons for posting the applicant at Central Prison, Nagpur, are attached.

4. It is a matter of record that the applicant ought to have been promoted in D.P.C. dated 19.05.2018. The department corrected the error by promoting him by order dated 29.10.2021 but with effect from 19.05.2018. By order dated 29.10.2021 he came to be posted on a vacant post at Central Prison, Nagpur because in the meantime persons promoted in D.P.C. of 19.05.2018 were already posted and accommodated at the place of their choice.

5. By interim order dated 29.12.2021 this Tribunal had directed the respondents to maintain status-quo in respect of vacant posts in Kokan-2 division and Yervada Central Prison. Communication dated 24.02.2022 received from respondent no. 2 is placed on record. It shows that as per order passed by this Tribunal on 29.12.2021 two posts i.e. one post each in Kokan-2 Division and Pune Division, are kept vacant. In this factual background ends of justice would be met if the respondents are directed to post the applicant on any vacant post of

Jailor Grade-1 in Kokan-2 Division or at Yervada Central Prison if said post is vacant. Hence, the order:-

6. For all these reasons the application deserves to be allowed. Hence, the order:-

ORDER

1. Application is allowed.
2. Respondents are directed to post the applicant on any vacant post of Jailor, Grade-1 in Kokan-2 Division or at Yervada Central Prison if said post is vacant, within two weeks from the date of receipt of this order.
3. No order as to costs.

(Shri M.A.Lovekar)
Member (J)

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 15/03/2022.
and pronounced on

Uploaded on : 16/03/2022.