

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 160/2023**  
**WITH C.A.NO.133/2023 (D.B.)**

1. Sanjay Atmaram Ramteke,  
age 42 years, Assistant Store Keeper,  
Govt.ITI, Dhanora.
2. Vinayak Parashram Mehendale,  
Assistant Store Keeper,  
Govt.ITI, Selu.
3. Bhavesh S/o Prabhakarrrao Ashtikar,  
Age 45, Assistant Store Keeper,  
Govt.ITI Parshivani, Distt.Nagpur.
4. Ganpati Laxman Waghale,  
Age 47, Assistant Store Keeper,  
Govt. Tec.school, Narkhed,  
Distt. NAGPUR
5. Umesh Pandurang Ganvir,  
Age 49, Assistant Store Keeper,  
Govt. Tech.School. Sironcha  
Dist. Gadchiroli.
6. Ku.Prajwala Shankarrao Taksande,  
age 45, Assistant Store Keeper,  
Govt.ITI, Goregaon.
7. Ganesh S/o Ramaji Charde,  
Age 45, Assistant Store Keeper,  
Govt.ITI Karanja, Distt. Wardha.

**Applicants.**

**Versus**

- 1) State of Maharashtra,  
through its Principal Secretary,  
Skill Development,  
Employment & entrepreneurship Department,  
Mantralaya, MUMBAI, 32.
- 2) The Director,  
Vocational Education and Training, 3,  
Maha Palika Marge, MUMBAI - 400 001
- 3) The Joint Director,  
Vocational Education and Training,  
Regional Office, Civil Lines,  
NAGPUR. 440 001.

**Respondents**

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**Shri B.Kulkarni, Id. Advocate for the applicants.**

**Shri A.M.Khadatkar, Id. P.O. for the Respondents.**

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**With**

**ORIGINAL APPLICATION No. 131/2023 (D.B.)**

1. Bhushan Wasudeorao Kajalkar,  
aged - 41 years, Assistant Storekeeper,  
Industrial Training Institute,  
Tahsil and District: Amravati.
2. Ajay Sheshrao Pawar,

aged about 41 years,  
Assistant Storekeeper,  
Industrial Training Institute,  
District: Amravati.

3. Rahul Ashokrao Tayde,  
aged about 40 years,  
Assistant Storekeeper,  
Industrial Training Institute,  
Dharni, District: Amravati

4. Shekhar Ramkrishna Bhagat,  
aged about 48 years,  
Assistant Storekeeper,  
Industrial Training Instituting.  
AKOLA, Tahsil and District: Akola

**Applicants.**

**Versus**

1) State of Maharashtra,  
through its Principal Secretary,  
Skill Development,  
Employment & entrepreneurship Department,  
Mantralaya, MUMBAI, 32.

2) The Director,  
Vocational Education and Training, 3,  
Maha Palika Marge, MUMBAI - 400 001

3) The Joint Director,

Vocational Education and Training,  
Regional Office, Amravati.

**Respondents**

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**Shri B.Kulkarni, Id. Advocate for the applicants.**

**Shri A.M.Khadatkar, Id. P.O. for the Respondents.**

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**Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**

**Dated:- 08.01.2024.**

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**JUDGEMENT**

Heard Shri B.Kulkarni, Id. counsel for the applicants and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. The regular Division Bench is not available. The Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai issued Circular No.MAT/MUM/JUD/469/2023, dated 24/04/2023. As per the direction of Hon'ble Chairperson, if both the parties have consented for final disposal, then regular matter pending before the Division Bench can be disposed off finally. Hence, the matter is heard and decided finally with the consent of learned counsel for both the parties.

5. Case of the applicants in short is as under-

All the applicants were initially appointed on the post of Junior-cum-Store-Clerk. As per the G.R. dated 26.03.2004, all the applicants were absorbed on the post of Assistant Storekeeper. As per the said G.R. their seniority is to be maintained on the post of Assistant

Storekeeper from the date of their appointment on the said post. The applicants have prayed for direction to the respondents to maintain the seniority on the post of Assistant Storekeeper from the date of their appointment in the Assistant Storekeeper cadre as common list and direct the respondent no.3 to promote the applicants as Store keeper with deemed date of promotion on which their juniors are promoted.

6. The O.A. is strongly opposed by the respondents. It is submitted that as per the G.R., they are absorbed on the post of Assistant Storekeeper and the respondents will follow the G.R. and they are shown in the seniority list dated 23.05.2023.

7. During the course of submission, the learned counsel for the applicants submits that they are not shown from the date of their absorption on the post of Assistant Storekeeper in the seniority list. Therefore, prayed to give direction to the applicants to show the applicants in the seniority list as per the G.R. dated 26.03.2004.

8. The G.R. dated 26.03.2004 is very clear. The learned counsel for the applicant has pointed out the Judgment of Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.7308/2019. The similarly situated employee namely Devidas Futane approached to the Hon'ble High Court. The Hon'ble High Court has recorded it's finding in para 10, 11 & 12 as under-

**10. Clause 20 of Government Resolution dated 10.09.2001 was modified by Government Resolution dated 26.03.2004, reads as follows:**

"सेवाज्येष्ठता : अशाप्रकारे अतिरिक्त ठरल्यामुळे सामावून घेतलेल्या शासकीय कर्मचारी अथवा अधिकारी यांची इतर शासकीय विभागात अथवा शासकीय कार्यालयात समतुल्य समकक्ष पदावर नियुक्ती झाल्यानंतर, अशा समायोजित करण्यात आलेल्या अतिरिक्त कर्मचारी अथवा अतिरिक्त अधिकारी यांची सेवाज्येष्ठता शासन अधिसूचना, सामान्य प्रशासन विभाग, क्रमांक एसआरव्ही-१०७६/बारा, दिनांक २१ जून १९८३ च्या नियम ४(१) मधील तरतूदीनुसार, असा अतिरिक्त शासकीय कर्मचारी अथवा अधिकारी ज्या पदावर अथवा ज्या संवर्गामध्ये सामावून घेतला जाईल त्या पदावरील अथवा त्या संवर्गातील त्याच्या नियमित नियुक्तीच्या दिनांकापासून निश्चित करण्यात यावी".

**11. It has been further held that the first part of the modified clause stipulated that the seniority of the absorbed employees, who are rendered surplus, shall be determined in accordance with Rule 4 (1) of the Maharashtra Civil Services (Regulation of Seniority) Rules, 1982 and the latter part provides that the seniority shall be determined with effect from the date of absorption in the new department. The seniority of the original applicant was as a fact determined giving weightage to the service rendered in the parent department. The Tribunal erred in considering the seniority list at the par of said department. Though the applicant has challenged the seniority and right after his retirement, as per the Government Resolution, the applicant is entitled the seniority in the parent department. We thus find that in view of the decision in R. M. Lonare and Others (supra), the petitioner is entitled to similar relief.**

**12. Considering the Government Resolutions and the amended portion of Government Resolution in Clause 20, the petitioner is**

*entitled for the benefits of second time bound promotional pay scale from 1.10.2006.*

9. Looking to the G.R. dated 26.03.2004 & the Judgment of Hon'ble High Court, the applicants are entitled to get the seniority of the post of Assistant Storekeeper on the date on which they are absorbed. Hence, the following order.

**ORDER**

1. The O.As. are allowed.
2. The respondents are directed to show the seniority of the applicants as per the G.R. dated 26.03.2004 on the date of their absorption on the post of Assistant Storekeeper cadre as common list.
3. The respondent no.3 is directed to promote the applicants on the post of Storekeeper if they are eligible / entitled for the said post and give them deemed date of promotion on the date on which their juniors are promoted.
4. Accordingly, O.As. as well as C.A. is disposed of.
5. No order as to costs.

**(Shri Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated :-08/01/2024.**  
**rsm.**

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

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 08/01/2024.

and pronounced on

Uploaded on : 12/01/2014.