

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 302/2022 (S.B.)

Omprakash s/o Namdeo Werulkar,
Aged about 54 years,
Occ. Service, R/o Sant Sawata Colony,
Telhara, Tah. Telhara,
District- Akola.

Applicant.

Versus

1. The State of Maharashtra,
Through its Secretary,
Ministry of Revenue & Forests,
Mantralaya, Mumbai-32.
2. Divisional Commissioner,
Amravati Division,
Amravati.
3. Collector,
Akola, Tah. and District- Akola.
4. Vasant S/o Laxmanrao Paraskar,
Aged about 53 years,
Occupation- Circle Officer,
R/o Geetai Apartment,
Jagdamba Temple,
Sahakar Nagar,
Akola-444 004.
5. Santosh S/o Narayanrao Karnewar,
Aged about 50 years,
Occupation-Circle Officer,
R/o Plot No. 92/2, Kothari Watika,
Near Chaitanya Ganesh Mandir,

Malkapur, District Akola.

Respondents

Smt. Charlewar, Id. Advocate for the applicant.

Shri H.K.Pande, Id. P.O. for the Respondents 1 to 3.

None for the Respondents 4 & 5.

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

Dated :- 31.07.2023.

JUDGMENT

Heard Smt. Charlewar, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents 1 to 3. None for the Respondents 4 & 5.

2. The case of the applicant in short is as under:-

The applicant was appointed as Talathi from the Physical Handicapped Category on 30.05.1994. Service of the applicant came to be regularized on 30.04.1996. The respondents have also granted special travelling allowances to the applicant as per order dated 02.08.2004. The respondent no. 3 has prepared final selection list wherein it was mentioned that applicant belongs to Physical Handicapped Category. On 09.01.2015, one Hanumanth Dinkarrao Deshmukh & Ors. filed the Writ Petition No. 1593/2014 before the Hon'ble High Court Bombay, Bench at Nagpur wherein Hon'ble High Court has directed to published final

seniority list. As per the order of Hon'ble High Court, respondents have issued final seniority list as on 22.01.2015.

3. The applicant made representation to the respondents requesting for deemed date of promotion to the post of Circle Inspector w.e.f. 03.03.2010. As per the submission of the applicant his juniors are promoted and, therefore, he is entitled for deemed date of promotion.

4. The O.A. is opposed by the respondents on the ground that name of the applicant is not recorded in the seniority list showing he is handicapped person. Therefore, promotion granted to one S.N.Karnewar as he was shown in handicapped category in the seniority list. It is also the submission of the respondents that applicant has not passed Revenue Qualifying Examination and, therefore, he is not entitled for deemed date of promotion.

5. As per the promotion Rules employees who have completed 45 years of service are exempted from passing Revenue Qualifying Examination. The applicant has produced handicapped certificate before the respondents and entry is taken in the service book. From the perusal of service book it appears that the respondents have granted special allowances to the applicant of Rs. 500/- which was to be granted to handicapped persons. Therefore, it is clear that applicant was appointed in the handicapped category, therefore, rejection of his claim on the

ground that he was not shown in the category of handicapped persons is not proper. From the perusal of order dated 23.10.2017, it is clear that the claim of the applicant is rejected on the ground that in the seniority list it is not mentioned that applicant is a handicapped persons whereas one S.N.Karnewar was shown as a handicapped persons, therefore, Karnewar was given promotion.

6. As per the submission of Id. Counsel for the applicant, the name of the applicant is at Sr. No. 54 in the seniority list. His juniors namely Paraskar who is at Sr. No. 63, Shri Karnewar whose name is at Sr. No. 131 are promoted but applicant is not promoted, therefore, he approached to this Tribunal for directions to respondents to grant him deemed date of promotion.

7. From the perusal of seniority list, it is clear that applicant is at seniority number 54, the juniors who are at 63 & 131 are promoted. Therefore, applicant is entitled for deemed date of promotion. Hence, the following order:-

A. O.A. is allowed.

B. Respondents are directed to grant deemed date of promotion to the applicant on which the juniors namely Paraskar & Karnewar are promoted.

- C. Respondents are further directed to pay the financial benefits after revising pay to the applicant **within a period of three months from the date of receipt of this order.**
- D. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 31/07/2023.
aps

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 Vice Chairman.

Judgment signed on : 31/07/2023.
and pronounced on

Uploaded on : 01/08/2023.