

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 486/2022 (D.B.)**

1. Ravi Ramdhan Rathod,  
Aged about 46 years, Occ. Service,  
R/o New Manish Nagar, Nagpur.
2. Shubhangi Sandip Kamdi,  
Aged about 40 years, Occ. Service,  
R/o Old Kailash Nagar,  
Near Ayodhya Nagar, Nagpur.
3. Sandhya Pandharinath Mokadam,  
Aged about 45 years, Occ. Service,  
R/o Chichbhavan, Nagpur.

**Applicants.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Department of Agriculture,  
Animal Husbandry,  
Dairy Development and Fisheries,  
Mantralaya, Mumbai-400 032.
- 2) State of Maharashtra,  
Through its Principal Secretary,  
Department of Rural Development,  
Mantralaya, Mumbai-32.
- 3) Commissioner of Agriculture,  
Commissionerate, Central Building,  
Pune-1.
- 4) Kesharshah Premshah Uikey,  
Aged about 53 years,  
Occupation: Agricultural Officer,  
R/o Dawalmeti, Nagpur-440 023.

- 5) Chandrakant S/o Shashikumar Deshmukh,  
Aged about 54 years,  
Occupation: Service,  
R/o Flat No. S-201,  
Bhagwati Apartment, Gudadhe Layout,  
Bhamti, Nagpur-440 022.

**Respondents**

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**Shri R.V.Shiralkar, Id. Advocate for the applicants.**

**Shri A.M.Ghogre, Id. P.O. for the respondents 1 to 3.**

**Shri N.D.Thombre, Id. Counsel for the respondents 4 & 5.**

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

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**JUDGMENT**

**(Per:-Shri Justice M.G.Giratkar)  
14<sup>th</sup> Feb., 2023.**

Heard Shri R.V.Shiralkar, learned counsel for the applicants,  
Shri A.M.Ghogre, Id. P.O. for the respondents 1 to 3 and Shri  
N.D.Thombre, learned counsel for the respondents 4 & 5.

2. The case of the applicants in short is as under. The applicants were appointed as Agriculture Officer, Group-C (Technical) in Zilla Parishad. They were appointed vide order dated 26.07.2006 & 05.08.2006 respectively. The Government has abolished the said post and created the new post as per G.R. dated 11.10.2018. Thereafter their posts are absorbed and they are shown in the Gazetted Officer in the

State Government Service as per Government Notification dated 11.01.2021. The applicants have raised objection not to finalize the seniority list. The copy of objection is dated 13.04.2022. The said objection is not decided by the respondent no. 1 and trying to finalize the seniority list. Therefore, applicants approached to this Tribunal for the following reliefs:-

*“A. Hold and declare that action of the respondent no. 2 in issuing circular dated 19.04.2022 and preparing seniority list, holding that those who have opted for Maharashtra Agriculture Service at inception, their seniority will remain intact and they will be seniors to those who have opted for Maharashtra Development Service earlier and later on changed their option to Maharashtra Agriculture Service will be juniors is illegal and arbitrary and consequently;*

*B. Circular dated 19.04.2022 issued by the respondent no. 2 and seniority list prepared on the basis of the same, needs to be quashed and set aside.*

*C. Direction needs to be to the respondent no. 1 to prepare seniority list of Agriculture Officer (Zilla Parishad) Group-B (Junior) (Gazetted) by taking into consideration date of joining service of the applicants and others.”*

3. The O.A. is strongly opposed by the respondents 4 & 5 stating that they are not State Government Employees and, therefore, they cannot approach to this Tribunal. Respondents 1 to 3 has submitted that the seniority list is not yet finalize.

4. Ld. Counsel for the applicant pointed out Government Notification dated 11.01.2021, the relevant para of the said Government Resolution is as under:-

“जिल्हा परिषदेकडील कृषि अधिकारी, गट-क (तांत्रिक) संवर्गात एकूण ६४३ पदे मंजूर आहेत. त्यापैकी सरळसेवा कोटयात १६३ व पदोन्नती कोटयात ४८० पदे मंजूर आहेत. सद्यस्थितीत ५७७ पदे भरलेली आहेत. जिल्हा परिषदांकडील सध्या कार्यरत असणा-या अधिका-यांपैकी सोबत जोडलेल्या प्रपत्र-ब मधील ३८१ अधिका-यांनी राज्य शासनाच्या कृषि, पशुसंवर्धन, दुग्ध व्यवसाय विकास व मत्स्यव्यवसाय विभागातील नव्याने निर्माण करण्यात आलेल्या कृषि अधिकारी (जिल्हा परिषद) गट-ब (कनिष्ठ) (राजपत्रित) या संवर्गात समाविष्ट होण्यासाठी विकल्प दिलेला आहे. त्यानुसार या शासन निर्णयासोबतच्या प्रपत्र-ब मधील ३८१ अधिका-यांचे समावेशन राज्य शासनाच्या कृषि विभागात करण्यात येत आहे.”

5. As per the G.R. dated 11.01.2021, all the applicants are now made Gazetted Officers and they were absorbed in the State Government services therefore, they cannot be said to be employee of the Zilla Parishad. Therefore, grievances ought to have been considered by the respondents. Applicants are employee of State Government as per G.R.

dated 11.01.2021, therefore this Tribunal has jurisdiction to decide the matter. During the course of argument Id. Counsel for the respondents 4 & 5 has pointed out judgment of Hon'ble High Court Bombay, Bench at Aurangabad in W.P. No. 4341/2022, it is not in respect of the case in hand. The Hon'ble High Court has made following observation in para no. 5 which is as under:-

*“It is made clear that till next date, if any promotions are made on the basis of the impugned seniority list, the same would be subject to the further orders that would be passed by this Court. Learned AGP to convey this order to the respondents for information and compliance and also to the promotees, if any, about the pendency of this petition.”*

6. During the course of argument Id. P.O. Shri Ghogre submits that, the respondents may consider the objection raised by the respondents, if the direction is given to the respondents to consider their objection. Hence, the following order:-

### **O R D E R**

A. The original application is allowed.

- B. The respondent no. 1 is directed to consider the objection raised by the applicants dated 13.04.2022 before finalization of the seniority list.
- C. The respondent no. 1 is further directed to consider the objection raised by the applicants by considering The Maharashtra Civil Services (Regulation of Seniority) Rules, 1982.
- D. No order as to costs.

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

aps

Dated - 14/02/2023

**(Shree Bhagwan)**  
**Vice Chairman**

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  
& Hon'ble Vice Chairman.

Judgment signed : 14/02/2023.  
on and pronounced on

Uploaded on : 15/02/2023.