

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 553/2019 (S.B.)**

Mahadev S/o Uttam Bhagat,  
Aged about 47 years, Occu. Service,  
R/o Kapilvastu Nagar, Behind Jyoti Vidyalaya,  
Gorakshan Road, Akola-444 004,  
Tq. & Dist. Akola.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through it's Secretary,  
Ministry of Revenue and Forests,  
Mantralaya, Mumbai- 400 032.
- 2) Commissioner,  
Amravati Division, Amravati.
- 3) Collector, Akola.
- 4) Vasant S/o Laxmanrao Paraskar,  
Aged about 50 years, Occ. Circle Officer,  
R/o Geetai Apartment, Jagadamba Temple,  
Sahakar Nagar,  
Akola-444 004.
- 5) Santosh S/o Nanarao Karnewar,  
Aged about 47 years, Occ. Circle Officer,  
R/o Plot No. 92/2, Kothari Watika,  
Near Chaitanya Ganesh Mandir,  
Malkapur, Dist. Akola.

**Respondents**

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**Shri A.S.Shukla, Id. Advocate for the applicant.**

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

**None for the R-4 & 5.**

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

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**JUDGMENT**

**Judgment is reserved on 15<sup>th</sup> Dec., 2023.**

**Judgment is pronounced on 09<sup>th</sup> Jan., 2024.**

Heard Shri A.S.Shukla, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents 1 to 3. None for the R-4 & 5.

2. The applicant and respondents 4 & 5 were appointed as Talathi on 01.12.1999, 05.01.1991 and 30.05.1994, respectively. All of them passed departmental examination in August, 2008 which was within the stipulated time and chances. The applicant and respondent no. 5 passed Revenue Qualifying Examination in April, 2009 whereas respondent no. 4 passed said examination in April, 2004. Respondents 4 & 5 were promoted as Circle Officer on 31.03.2010. The applicant and one Shri Omprakash Namdeo Werulkar made a representation before respondent no. 3 that they be given deemed date of promotion on par

with respondents 4 & 5 because of their inter-se seniority. Respondent no. 3, by order dated 23.10.2017 (A-26) rejected the representation on the grounds that respondents 4 & 5 were senior and since there were only two vacant promotional posts, they were rightly promoted. Claim of Shri Omprakash Namdeo Werulkar was declined on one more ground that for want of objection to seniority list his name was not included in it as one belonging to Physically Handicapped Category. Order dated 23.10.2017 was upheld by respondent no. 2 to the extent of the applicant by order dated 09.10.2018 (A-28). Hence, this O.A. impugning orders dated 23.10.2017 and 09.10.2018.

3. Six Talathis had filed W.P. No. 1593/2014 before Nagpur Bench of Hon'ble Bombay High Court challenging inter-se seniority. The High Court, by order dated 09.01.2015, stipulated a time frame to fix and finalize seniority list (A-8). Accordingly, final seniority list was published. In this list names of the applicant and respondents 4 & 5 are at Sr. Nos. 47, 63 and 131, respectively. It may also be mentioned that in this list name of Shri Omprakash Namdeo Werulkar is at Sr. No. 54. This list is filed with pursis at P. 255.

4. By judgment dated 26.11.2015 (A-10) W.P. No. 1593/2014 was partly allowed and validity of seniority list which was directed to be

finalized during its pendency, was upheld. This is the seniority list which is filed by the applicant with pursis at P. 255. This is expressly admitted by respondent no. 3 in para 21 of his reply (at P. 222).

5. It may be mentioned that the applicant, Shri Omprakash Namdeo Werulkar and respondents 4 & 5 all admittedly belong to Physically Handicapped Category.

6. It may also be mentioned that during pendency of this O.A. the applicant was promoted to the post of Circle Officer by order dated 07.07.2021 (at P. 254). This subsequent development will not, however, have any adverse impact on the relief of grant of deemed date of promotion which the applicant is claiming.

7. For grant of deemed date of promotion Shri Omprakash Namdeo Werulkar had filed O.A. No. 302/2022 before this Bench. It was allowed by judgment dated 31.07.2023. It was *inter alia* observed:-

*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.*

It was further observed and held:-

*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.*

*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.*

8. I have referred to relevant facts. Validity of seniority list on which case of the applicant is founded has been upheld by the High Court. Relief of deemed date of promotion is granted by this Bench to a similarly placed person by relying on this seniority list. For these reasons

the O.A. is allowed. The respondents 1 to 3 are directed to grant deemed date of promotion to the applicant on which respondents 4 & 5 were promoted, and extend consequential monetary benefits to him after revising his pay, within three months from the date of receipt of this order. No order as to costs.

**Member (J)**

**Dated :- 09/01/2024**  
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 Member (J).

Judgment signed on : 09/01/2024  
and pronounced on

Uploaded on : 10/01/2024