

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 629 of 2010 (D.B.)**

Harish S/o Narayan Chatur,
Aged 30 years, Occ. Service,
R/o Rajgopalchari Ward, Bhandara,
Tq. & Dist. Bhandara.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Principal Secretary,
Revenue Department,
Mantralaya, Mumbai-32.
- 2) The Collector,
Bhandara, Dist. Bhandara.
- 3) Shri P.M. Gaddam,
Revenue Inspector, Mohadi,
Tq. Mohadi, Dist. Bhandara.
- 4) Shri V.R. Thorwe,
Revenue Inspector, Amgaon,
Tq. Paoni, Dist. Bhandara.

Respondents.

S/Shri P. Gode, A.M. Raut, Advocates for the applicant.

Shri A.M. Ghogre, learned P.O. for respondent nos.1&2.

Shri P.V. Thakre, Advocate for respondent no.3.

Shri P.C. Marpakwar, T.B. Golhar, Advocates for resp.no.4

Coram :- Hon'ble Shri J.D. Kulkarni,

Vice-Chairman (J) and

Hon'ble Shri Shree Bhagwan, Member(A).

ORAL ORDER**PER : V.C.(J).****(Passed on this 31st day of August,2018)**

Heard Shri P. Gode, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for respondent nos.1 and 2. None for respondent nos.3 and 4.

2. The learned counsel for the applicant submits that the matter in dispute remains regarding prayer Clause (A) only since the applicant has been promoted during the pendency of the O.A. vide order dated 15/07/2014 w.e.f. 03/05/2014 (P-77). He therefore submits that the prayer clause nos. (B), (C) & (D) be treated as not pressed. The applicant is only claiming deemed date of promotion to the post of Circle Officer since the date of passing of examination i.e. 09/11/2004.

3. The learned counsel for the applicant frankly admits that no DPC was held from 2002 to 2010 and the respondent no.4 came to be promoted vide DPC meeting dated 25/02/2010. We have perused the minutes of the DPC which are at P.B. page nos.51 to 53 (both inclusive). From the said DPC it seems that one post each was reserved for NT (A), (B), (C) and (D) category. In the DPC meeting it is stated that no candidate from NT (C) category was available and therefore the said post shall be filled in by promoting the candidate

from NT (D) category and accordingly the respondent no.4 came to be promoted vide order dated 17/03/2010 at P.B. page nos.54 and 55. The respondent no.4 belongs to NT (D) category. The said contention in the DPC is admittedly wrong as will be seen from seniority list of the Talathi due for promotion to the post of Circle Officer. The said seniority list as on 01/01/2009 is placed on record at P.B. page nos. 44 to 50 (both inclusive). From which it seems that the applicant was the only senior most candidate from NT (C) category and his seniority number was at 126. Thereafter, one Shri P.V. Ahire was also from NT (C) category and his seniority number was at 129. One Shri T.T. More was also from NT (C) category and his seniority number was at 131. Thus the material observation of the DPC that NT (C) candidate was not available is incorrect. The applicant along with Shri Ahire and Shri More should have been considered for the promotion. We do not find it necessary to go into non consideration of Shri More and Shri Ahire since they are not party before this Tribunal. The applicant is admittedly promoted to the post of Circle Officer in 2014 and in fact he should have been considered for promotion in the year 2010 itself. The respondent no.4 is junior to the applicant, but has been promoted to the post of Circle Officer vide order dated 17/03/2010 (Annex-A-L, P-54) w.e.f. 17/03/2010 and therefore we find merits in the contention of the learned counsel for the applicant that the applicant shall be

considered for the said post w.e.f. 17/03/2010 i.e. the date on which Shri V.R. Thorwe (R/4), junior person to the applicant has been promoted. Hence, we pass the following order :-

ORDER

The O.A. is partly allowed. It is hereby declared that the applicant shall be treated to have been promoted to the post of Circle Officer w.e.f. 17/03/2010. The applicant will be entitled to consequential financial benefits as may be admissible and the same shall be paid within three months from the date of this order. No order as to costs.

(Shree Bhagwan)
Member(A).

(J.D. Kulkarni)
Vice-Chairman (J).

Dated :- 31/08/2018.

dnk.