

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 67/2019 (S.B.)

Charansingh S/o Jaysing Chavan,
Aged about 54 years, Occ. Milk Collection Supervisor,
R/o Government Milk Scheme Quarters,
Near Radha Devi Goenka College,
Shastrinagar, Akola, Maharashtra.

Applicant.

Versus

- 1) The State of Maharashtra,
Through it's Commissioner,
Dairy Development Department,
Maharashtra, Having its Office at Warali,
Mumbai, Maharashtra.
- 2) Regional Dairy Development Officer,
Having its office at Congress Nagar,
Amravati, Maharashtra.
- 3) State of Maharashtra,
Through its Secretary,
Dairy Development Department,
Maharashtra, having its office at Mantralaya,
Mumbai, Maharashtra.

Respondents

Shri N.B.Rathod, Id. Advocate for the applicant.

Shri V.A.Kulkarni, Id. P.O. for the respondents.

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

JUDGMENT

Judgment is reserved on 11th Oct., 2024.

Judgment is pronounced on 23rd Feb., 2024.

Heard Shri N.B.Rathod, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. Case of the applicant is as follows. The applicant was appointed as daily wage labourer on 07.12.1988. He belongs to VJ-A category. Shri A.N.Kukadkar and Shri R.M.Rathod were appointed as daily wage labourers from O.B.C. and VJ-A category, respectively on 14.02.1989. In the year 1991 some posts of Electrician were to be filled by promotion. The applicant, Shri Kukadkar and Shri R.M.Rathod were eligible. So were Shri Kene, Shri Varodkar and Shri Pawar. Their seniority was to be counted from the date of appointment. Shri Kene was appointed under O.B.C. quota. Shri Varodkar and Shri Pawar were promoted on two vacant posts from Open category and the applicant was kept on the waiting list (A-1). Later on three more posts of Electrician to be filled as per roaster, one each from S.T., S.C. and Open category were identified. S.T. candidate was not available. As per standing instructions said post was to be filled by VJ-A candidate. Instead of the applicant, Shri R.M.Rathod who was junior to him was promoted to said post and Shri Khan was promoted from Open category by order dated 16.03.1991 (A-2). Shri Rathod resigned and then on that post Shri Kukadkar, who, too was junior to the applicant, was appointed by order dated 18.05.1991

(A-3). By order dated 21.03.2012 (A-6) representation of the applicant was rejected. His review application was rejected by order dated 05.09.2018 (A-9). Hence, this Original Application for deemed date of promotion i.e. 16.03.1991, and consequential benefits.

3. Stand of the respondents is as follows. On the basis of interviews held on 26.12.1998 Shri Kukadkar and Shri R.M.Rathod were appointed on daily wages as Skilled Workers to the post of Electrician, Class-III because they had completed course of Electrician from I.T.I. whereas the applicant was appointed as Unskilled Worker on daily wages in Class-IV because at that point of time he had not completed requisite I.T.I. course (A-R-1). Out of six vacant posts of Electrician three each were to be filled by promotion and nomination. Three posts were filled by promoting Shri Kene from O.B.C. category and Shri Pawar and Shri Varodkar from Open category as per seniority list (A-R-2). Three posts by nomination were to be filled as per roaster i.e. one each from S.T., S.C. and Open category. For want of regular employees it was decided to fill these posts by nomination from eligible daily wagers. Because S.T. candidate was not available, Shri R.M.Rathod from VJ-A category was promoted as per policy of Government. Shri Khan was appointed from Open category and Shri Shekokar was appointed from

S.C. category (A-R-3). Post which fell vacant by resignation of Shri R.M.Rathod was filled by promoting Shri Kukadkar who was senior in the list of Skilled Workers (A-R-4). The applicant though appointed on daily wages on 07.12.1988, as he was not having the Diploma of Two years from ITI, he was not eligible to be appointed as Electrician and therefore he was appointed as Unskilled Worker in Class IV category. The applicant was having a certificate of Wireman, and therefore he was not considered for appointment on post of Electrician. The applicant was ultimately promoted as Electrician by order dated 05.06.2007 (A-R-6).

4. Documents annexed to reply of the respondents which are discussed above clearly show that persons appointed as skilled workers were considered to be eligible for promotion/nomination to the posts of Electrician earlier, and when turn of the applicant came he was promoted to the said post. Case of the applicant who was appointed as Unskilled Worker, though earlier in point of time, could not have been equated with those who were appointed as Skilled Workers. Thus, there is no merit in this O.A.. **It is accordingly dismissed with no order as to costs.**

Member (J)

Dated :- 23/02/2024
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 : 23/02/2024
and pronounced on

Uploaded on : 26/02/2024