

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 745 of 2021 (D.B.)

Rupesh Haribhau Raut,
Aged about 30 years,
Occ. Service, R/o Tahsil Office,
Narkhed, Distt. Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through the Secretary, Revenue & Forest Department,
Mantralaya, Mumbai.
- 2) The Collector, Nagpur.

Respondents.

Shri N.R. Saboo, Smt. K.N. Saboo, Advocates for the applicant.

Shri A.M. Ghogre, learned P.O. for respondents.

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

Dated :- 28/06/2022.

JUDGMENT

Per : Shri Justice M.G. Giratkar, Vice-Chairman.

Heard Shri N.R. Saboo, learned counsel for the applicant
and Shri A.M. Ghogre, learned P.O. for the respondents.

2. The applicant was appointed as a Clerk-Typist and he
joined with the respondent department on 4/3/2014 as per the

appointment order dated 28/2/2014. After joining on the said post, the applicant appeared in the Sub Service Departmental (SSD) Examination held in the month of January,2018 and passed examination in third attempt. The applicant has complied the Rules dated 18/1/1988 (Annex-R-1). Though the applicant passed the departmental examination as required by the Rules, the respondents have not granted him seniority from the date of his joining on the post of Clerk-Typist from 4/3/2014 to count the said seniority for the purpose of further promotion.

3. The O.A. is strongly opposed by the respondents. It is submitted that there were examinations held from July, 2014 till January,2018 and there were more than 4-5 chances, but the applicant not availed those chances and therefore the applicant has not passed the departmental examination within four years and within three chances.

4. As per the Govt. Notification dated 18/1/1988 (Annex-R-1), as per the clause 4 (a) "*A Clerk recruited in the Revenue Department shall be required to pass the Sub Service Departmental Examination within four years of his date of recruitment and within three chances*".

5. The applicant was appointed as per the order dated 28/2/2014. The applicant passed the examination conducted in the

month of January, 2018 i.e. within four years. The applicant appeared in the year 2015 and 2017, but failed. He passed the examination in third attempt in the month of January, 2018 i.e. within three chances. The applicant has complied the Govt. Notification 18/1/1988, therefore, the applicant is entitled to get his seniority from the date of his appointment. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned communications issued by the respondents dated 2/9/2020 and 22/8/2019 are hereby quashed and set aside.
- (iii) The respondents are directed to count the seniority of the applicant on the post of Clerk-Typist from the date of joining i.e. 4/3/2014.
- (iv) The respondents are directed to count the said seniority for the purpose of promotion etc.
- (v) No order as to costs.

(Justice M.G. Giratkar)
Vice-Chairman

(Shree Bhagwan)
Vice- Chairman

Dated :- 28/06/2022.

dnk.*

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 28/06/2022.

Uploaded on : 29/06/2022.

*ok