

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 580/2020 (S.B.)**

1. Ganesh Indrabhan Meshram,  
aged about 36 years, Occu: Service,  
R/o Govindpur,  
Gondia, Tah. & Dist. Gondia.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Additional Chief Secretary,  
Department, Mantralaya, Mumbai -32.
2. The Principal Chief Conservator of Forest (M.S.),  
Van Bhavan, Civil Line, Nagpur.
3. The Chief Conservator of Forest (Regional),  
Near Kasturchand Park,  
BSNL Building, Nagpur.

**Respondents**

---

Shri S.N.Gaikwad, Ld. counsel for the applicant.  
Shri A.P.Potnis, Ld. P.O. for the respondents.

---

**Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 16<sup>th</sup> November 2022.**

---

**JUDGMENT**

Heard Shri S.N.Gaikwad, learned counsel for the applicant and Shri A.P.Potnis, learned P.O. for the Respondents.

2. The case of the applicant in short is as under-  
  
The applicant was appointed on the post of Khalashi on 24.12.2007. The applicant was appointed on the post of Khalashi in Open category. It is the submission of the applicant that he belongs to S.C. category. He is shown in that category in the seniority list. The applicant was due for promotion in the year 2011 but he is not promoted. Therefore, the applicant is claiming deemed date of promotion from the year 2011. The applicant is promoted in 2019 on the post of Junior Clerk.
3. The O.A. is strongly opposed by the respondent no.3. It is submitted that the initial appointment of the applicant was in Open category. The applicant was juniors in the year 2011. His name is at Sr.No.17 of the seniority list. As per the seniority list the senior persons were promoted therefore, the applicant cannot claimed that he should be granted deemed date of promotion.
4. Heard the learned counsel for the applicant, he has pointed out the roster and submitted that wrongly one excess post was shown in the S.C. category. One Sursawant was in O.B.C. category but his

appointment was shown in S.C. category. Therefore, the applicant prayed that he should have been considered for promotion in the year 2011. Hence, prayed to grant deemed date of promotion.

5. Heard the learned P.O., he has pointed out the promotion granted to the applicant in the D.P.C. dated 18.07.2019. The applicant is promoted in the Open category from the post of Junior Clerk. The learned P.O. has pointed out copy of service book filed by the applicant himself. It shows that he was appointed in the Open category.
6. From the perusal of the documents it appears that the applicant got appointment in the Open category. The applicant is promoted in the year 2019 in Open category. These orders are not challenged by the applicant. He could have challenged those orders. He could have challenged the promotion order granted in the D.P.C. dated 18.07.2019. He has accepted the promotion in the Open category on the post of Junior Clerk. Now he is claiming that he is in the S.C. category in 2011. It is pertinent to know that as per the seniority list the applicant was Junior. It is not a case of the applicant that Junior was promoted, more over the applicant from the very initial entry in the service is shown in the Open category. The applicant has accepted the promotion in the Open

category. Now he cannot change his stand to get the promotion from the year 2011. In the year 2011 he was not eligible for promotion. Hence, there is not merit in the O.A. Hence, the following order.

**ORDER**

- 1) The O.A. is dismissed with no order as to costs.

(Justice M.G.Giratkar)  
Vice Chairman

Dated – 16/11/2022

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

Name of Steno : Raksha Shashikant Mankawde  
Court Name : Court of Hon'ble ViceChairman .  
Judgment signed on : 16/11/2022.  
Uploaded on : 22/11/2022.