MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 624/2021

Parashram s/o Tukaram Thombare,
aged about 37 years, Occ. Ex-Serviceman,
at and post Kakatumara,
Tahsil and District Washim 444505

Applicant.

Versus

1) The State of Maharashtra,
through its Secretary,
Department of Finance,
Mantralaya, Mumbai-32.

2) The Director, Accounts & Treasuries Directorate,
Maharashtra State, Mumbai, Port Trust,
Port House, Thakarsi House, 3rd Floor,
Shurji Vallabhdas Marg, Belard Estate,
Mumbai 400 001.

3) The Joint Director, Accounts & Treasuries,
Office at Lekhakosh Bhavan, First Floor,
University Road, (Near Prashaskiya
Prashikshan Prabodhini), Amravati.

Respondents

Shri Bharat Kulkarni, Ld. counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Shree Bhagwan, (Vice Chairman) &
Hon'ble Shri M.A.Lovekar, Member (J).

Dated: - 29th March 2022.

PER- Member (J)

JUDGMENT

Judgment is reserved on 23th March, 2022.

Judgment is pronounced on 29th March, 2022.

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri A.P.Potnis, Ld. P.O. for the Respondents.

2. Facts leading to this application are as follows. The applicant an Ex-Serviceman, applied for the post of Accounts Clerk in response to the advertisement dated 8.1.2019 (Annexure A-2). He appeared for the examination and was selected. On 24.7.2019 the applicant presented himself for verification of documents. The Respondent Department had some reservations about Computer Education qualification of the applicant. Since the applicant was not receiving appointment order he made an application under the Right to Information Act and received in return copy of correspondence made by the Department regarding validity of Computer Education Certificate furnished by the applicant (Annexure A-5 collectively). Further correspondence in this behalf was made (Annexure A-6 to A-8). By letter dated 8.2.2021 (Annexure A-9) respondent no.3 wrote to respondent no.2 as follows –

egkn;]

mijkDr fo"k;kp vu"kxku ljGlok Hkjrh 2019 p tkfgjkrhr uen vVhu lkj o 'kklu fu.k;krhy rjrnhu lkj rkRijR;k fopkjk/khu ;kheo/; x.kkude ik= BjyY;k menokjkph dkxni= iMrkG.kh djrkuk Jh-ij'kjke r-Bkcj] ekth lfud ;kp lx.kd vgrckcr lfnX/krk fuek.k >kkY;ku ;k dk;k;kp lnfHk; 2 o 3 vUo; Jh-ij'kjke r-Bkcj ;kph lx.kd vgrk iek.ki= vkiy dk;k;kl lknj dj.;kr vkyyh gkrh-

R;k vu"kxku vkiy lnfHk; 5 p i=kUo; Jh-i-r-Bkcj ;kuh /kkj.k dyyh lx.kd vgrk MS-CIT dkl i{kk mPpre vlY;ku lnj menokjkl iUgk lx.kd vgrk iek.ki= lknj dj.k vko';d ukgh vl dGfo.;kr vkyy vkg- rlp] lnj menokjkl fu;Drhl ik= Bjfo.kckcr dGfo.;kr vkyy vkg- ijr] inHkjrhl 'kklu ekU;rk ikIr >kY;kurj R;kuk fu;Drh n.kckcr dGfo.;kr vkyy vkg-

lnfHk; 5 vUo; Jh-Bkcj ;kuh 'kklu loe/; lkekou ?k.kckcr fourh dyyh vkg- rjh Jh-Bkcj ;kuk y[kk fyihd inkoj fu;Drh n.;kl ekU;rk n.;kr ;koh gh fourh-

Some similarly placed candidates who were also selected like the applicant, as well as some others whose names featured in the waiting list approached Principal Bench of this Tribunal. It was their grievance that the Respondent Department had declined to issue appointment orders because period of validity of select list had lapsed. This batch of Original Applications was decided by a common judgment dated 30.11.2021 and it was ordered –

20. ***In view of the above, we pass the following order :-***

(a) The impugned orders dated 9.8.2021, 11.8.2021 and 12.8.2021 and all other orders in this respect in all the Original Applications informing the applicants that the select list/wait list is cancelled are unsustainable in law and hereby are quashed and set aside.

(b) The Respondent-State shall issue the appointment order of the applicant after four months or when the ban on the recruitment as per G.R. dated 4.5.2020 is withdrawn/lifted, whichever is earlier.

(c) The process of the appointment thereafter should be completed within four months.

In this application the applicant who is also waiting to receive appointment order, is seeking the directions identical to those issued by the Principal Bench vide Clauses (a) to (c) of operative part of the judgment dated 30.11.2021. Hence, this application.

3. Reply of respondent no.3 is at pp.47 to 51. In Para 7 of this reply it is stated –

7. It is further submitted that, now, in pursuance of the recruitment process 2019, a proposal has been submitted to the Government of Maharashtra, Finance Department in accordance with the judgment dated 30.11.2021 issued by the Hon. Maharashtra Administrative Tribunal, Mumbai. As soon as the directions are received from Finance Department, Government of Maharashtra , the directions for taking further appropriate action will be issued to the

concerned appointing authority by the Directorate of Accounts and Treasuries, Maharashtra State, Mumbai.

To his reply letters dated 3.3.2022 and 9.3.2022 received by the office of learned C.P.O. of this Tribunal from respondent no.3 are attached (Annexure R-1 and R-2). In letter dated 9.3.2022 it is stated –

Ekk-egkjk"V i'kkldh; U;k;kf/kdj.k] ecb ;kp i= ojhy fnukd 30-11-2021 p fudkykp vu"kxku rlp ek-egkjk"V i'kkldh; U;k;kf/kdj.k] [kMihB] ukxij ;kp i= fn-22-2-2022 p vu"kxku lglpkyd ¼dk"kkxkj½] y[kk o dk"kkxkj] ecb ;kp i= lnfHk; d-11 ikIr >ky vkg- R;kulkj 'kklu Lrjkoj lnj idj.kh dk;okgh l# vlY;kp rlp 'kklu fun'k ikIr gkrkp R;kiek.k lcf/kr fu;Drh ikf/kdkjh ;kuk fun'k lpkyuky;kp Lrjko#u fuxfer dj.;kr ;.kkj vlY;kp ;k dk;ky;kl dGfo.;kr vky vkg-

In this factual background the application deserves to be allowed by passing the following order.

ORDER

(i) Application is allowed in the following terms-

(ii) The Respondent - State shall issue the appointment order of the applicant in the time frame stipulated by judgment dated 30.11.2021 passed by the Principal Bench of this Tribunal.

(iii) In case the Respondents find, for compelling reasons, that the time frames stipulated as above cannot be adhered to, they would be at liberty to apply for extension of time.

(iv) No order as to costs.

(M.A.Lovekar)
Member (J)

(Shree Bhagwan)
Vice Chairman

Dated – 29/03/2022.

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 Vice Chairman & Court of Hon'ble Member (J) .
Judgment signed on and pronounced on	:	29/03/2022.
Uploaded on	:	29/03/2022.*