

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 642/2019(S.B.)

1. Shri Narendra Shridhar Kanphade,
aged about 60 years,
Occ. – Craft Instructor (retired)
resident of Plot No.30, Buddha Nagar,
MB Town Road, Zingabai Takli, Nagpur.

Applicant.

Versus

1. The State of Maharashtra,
through its Secretary,
Skill Development and Entrepreneurship,
Mantralaya, Mumbai –32.
2. The Director,
Vocational Education and Training,
3, Mahanagar Palika Marg,
Post Box No.10036, Mumbai-1.
3. The Joint Director,
Vocational Education and Training,
3, Mahanagar Palika Marg,
Post Box No.10036, Mumbai-1.
4. The Joint Director,
Vocational Education and Training,
Regional Office,
Civil Lines, Nagpur.

5. Shri Baban Ajabrao Chapekar,
Resident of Plot No.11, Lahiri Nagar,
Murarka Wadi, Mahakaleshwar Colony,
Wardha – 1.

Respondents

Shri V.Anand, Ld. counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for the respondents 1 to 4.
None for the respondent no.5.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 5th December 2022.

JUDGMENT

Heard Shri V.Anand, learned counsel for the applicant and Shri A.P.Potnis, learned P.O. for the Respondents 1 to 4. None for the respondent no.5.

2. The case of the applicant in short is as under-

The applicant was appointed on the post of Carpentry Instructor as per order dated 10.12.1982. The applicant has joined the said post on 22.02.1983. The respondent no.5 Shri Baban Ajabrao Chapekar was appointed on the post of Carpentry Instructor as per order dated 14.12.1984. The respondent no.5 was junior to the applicant. The respondent no.5 was promoted on 10.09.1985 without considering the seniority of the applicant. The applicant

was promoted on 01.04.1991. Therefore, the applicant approached to this Tribunal for direction to the respondent to grant deemed date of promotion w.e.f.10.09.1985.

3. The O.A. is opposed by the respondents. It is submitted that the respondent no.5 was appointed as a Craft Instructor and therefore he was promoted.
4. Heard learned Advocate Shri V.Anand, for the applicant. He has pointed out the appointment order of applicant and the appointment order of respondent no.5. The appointment order dated 10.12.1982 of applicant is at page no.20. It show that the applicant was appointed on the post of Carpentry Instructor. The order of respondent no.5 dated 14.12.1984 show that he was appointed on the post of Carpentry Instructor.
5. The learned counsel for the applicant has pointed out the proposal submitted to the Director by Deputy Director, Higher and Technical Education, Nagpur.
6. The learned Advocate Shri V.Anand has submitted that the respondent no.5 was junior. Therefore, the deemed date of promotion is to be granted to the applicant from the date on which junior was promoted.

7. Heard the learned P.O., Shri A.P.Potnis. He has submitted that the respondent no.5 was appointed on the post of Craft Instructor and therefore he was promoted.
8. From the perusal of order dated 14.12.1984 it is clear that respondent no.5 was appointed on the post of Carpentry Instructor. The applicant was also appointed on the same post. The proposal submitted by the Deputy Director, Vocational Education and Training dated 13.01.2016 show that applicant joined his posting on 22.02.1983 on the post of Carpentry Instructor. The respondent no.5 joined on 24.12.1984 on the post of Carpentry Instructor. Therefore, it is clear from the appointment order of respondent no.5 and the proposal submitted by Deputy Director dated 13.01.2016 that the applicant and respondent no.5 were posted on the same post. There is no dispute that respondent no.5 was junior to the applicant because the respondent no.5 joined on 24.12.1984 whereas the applicant joined on the same post on 22.02.1983. There is nothing on record to show that there was any adverse C.Rs. etc. for denying the promotion to the applicant. Hence, the following order.

ORDER

1. The O.A. is allowed.

2. The respondents are directed to grant deemed date of promotion to the applicant w.e.f. 10.09.1985 and pay the consequential benefits.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 05/12/2022

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.
Judgment signed on : 05/12/2022.
Uploaded on : 15/12/2022.