

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 831 of 2012**

Satish s/o Chandrashekhar Shukla,  
Aged about : 57 Yrs., Occ. – Service,  
R/o 3/20, P.W.D. Quarter, Civil Lines,  
Chandrapur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra  
through Secretary Public Works,  
Department, Mantralaya, Mumbai-32.
- 2) Superintending Engineer,  
Public Works Department Circle,  
(Coordination), Civil Lines, Nagpur.
- 3) Superintending Engineer,  
Public Works Department,  
Circle Chandrapur.

**Respondents**

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**Shri M.R.Khan, Id. Advocate for the applicant.**

**Smt. M.A.Barabde, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri J.D. Kulkarni,  
Vice-Chairman (J).**

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**JUDGMENT**

**(Delivered on 11<sup>th</sup> of July, 2017)**

Heard Shri M.R.Khan, Id. counsel for the applicant and  
Smt. M.A.Barabde, Id. P.O. for the respondents.

2. The applicant tendered his option from the post of Tracer in the cadre of Civil Engineering Assistant in the prescribed proforma on 23/08/2007 and on 03/09/2007. The then Superintending Engineer, Quality Control Division, Nagpur informed the Public Works Division (Coordination), Nagpur regarding the employees possessing requisite qualification and eligibility and as such sent a list of employees for absorption. The name of the applicant was shown in the list for training at Sr. No. 56 on 11/09/2007 and 04/08/2008. The respondent authorities, however, did not follow due procedure. The applicant's case was recommended by the Superintending Engineer from time to time vide communications dated 09/02/2009, 24/12/2010, 23/04/2012, 03/05/2012, 30/06/2012, 16/07/2012, 31/08/2012. The applicant also filed number of representations as on 12/09/2007, 09/05/2008, 09/02/2009, 30/01/2010, 07/12/2010, 09/03/2011, 10/10/2011, 12/04/2012, 26/06/2012 & 17/17/2012, however, no action was taken.

3. In this O.A., the applicant has claimed direction to the respondent authorities to absorb him from the cadre of Tracer into the cadre of Civil Engineering Assistant in pursuance of the Government Resolution dated 19/07/2006 w.e.f. 23/08/2007 and grant consequential benefits. He is also claiming direction to the respondent authorities to absorb the applicant in the category of Civil Engineering

Assistant from the date on which other employees were absorbed and also a direction to Respondent authorities to decide his representations made from time to time and lastly on 12/04/2012, 26/06/2012, 17/07/2012 & 27/08/2012.

4. The Respondent no. 2 has filed affidavit and submitted that the applicant does not have requisite qualification (training) to absorb him in the cadre of Civil Engineering Assistant and, therefore, he was not considered. However, his name has been included in the training programme. The respondent no. 2 again filed an affidavit in reply to the rejoinder and submitted that applicant has completed 45 years of age and, therefore, he was granted exemption from appearance in the departmental examination. It is stated that the applicant has already retired on superannuation. The respondent no. 3 has filed reply affidavit and in para number 11, it is stated that the matter to absorb the applicant on the post of Civil Engineer Assistant is pending at the level of Superintending Engineer (Coordination), Public Works Circle, Nagpur. In para no. 13, it is stated that since the seniority list of Tracer is maintained in the office of Superintending Engineer, Public Works Circle, Nagpur and Co-ordination authority of Region, the decision on promotions to the higher post and absorption in the other cadre etc. are decided at the level of Superintending

Engineer, and all the request letters of the applicant have been forwarded to Superintending Engineer, Public Works Circle, Nagpur.

5. From the aforesaid reply affidavit, it will be clear that admittedly the case of the applicant for absorption is before respondent no. 2 i.e. Superintending Engineer, Nagpur, i.e. the competent authority who can take decision as regards the absorption of the applicant. The learned counsel for the applicant submits that the O.A. can be disposed of by giving directions to the said authority to take a decision on his various representations within a stipulated period. The learned P.O. has also agreed for the same in view thereof, I proceed to pass the following orders:-

### **ORDER**

- 1) The O.A. is partly allowed in terms of prayer clause 9 (iii).
- 2) The respondent no. 2 is directed to take a proper decision on the various representations filed by the applicant and to consider whether the applicant shall be absorbed as a Civil Engineering Assistant or not.

- 3) A decision in this regard shall be taken within a period of three months from the date of this order and shall be communicated to the applicant in writing.
- 4) It is needless to mention that the applicant will be eligible to consequential financial benefits, in case he is observed in the cadre of Civil Engineering Assistant.
- 5) No order as to costs.

**(J.D. Kulkarni)**  
**Vice-Chairman (J).**

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