

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.178 OF 2022

DISTRICT : PUNE

Shri Ajaykumar Satappa Gengane,)
44 years, Resident Taib Tahsildar,)
Tahasil Office, Haveli, Pune (Mobile No.7504111717))..Applicant

Versus

1. State of Maharashtra,)
Through Additional Secretary,)
Revenue & Forest Department, Mantralaya,)
Mumbai 400032)
2. The Divisional Commissioner,)
Pune Division, Vidhanbhavan, Pune 400 001)
3. Additional Chief Secretary,)
General Administration Department,)
Mantralaya, Mumbai)..Respondents

Smt. Punam Mahajan – Advocate for the Applicant

Ms. S.P. Manchekar – Chief Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson
Smt. Medha Gadgil, Member (A)

DATE : 23rd February, 2022

PER : Smt. Justice Mridula Bhatkar, Chairperson

J U D G M E N T

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. General Administration Department is suo motu made party respondent no.3 in the above OA, as it is found necessary, as the file is always sent to GAD for advice in the matter of promotions. Amendment be carried out forthwith.

3. In the present OA the applicant is challenging his reversion order dated 18.2.2022, which was uploaded on 21.2.2022, reverting him from the post of Naib Tahsildar to the post of Awal Karkun.

4. Ld. CPO informs that confusion has occurred due to last line in para 9 of the order dated 24.1.2022 passed in CA No.57 of 2021 in OA No.88 of 2021 (Shri Utkarsh V. Devkule Vs. The State of Maharashtra & Ors.), which reads as under:

“So Mr. Gengane was given ad hoc post as a stop gap arrangement.”

5. Ld. CPO clarifies that applicant Shri A.S. Gangane was promoted to the post of Naib Tahsildar after his name was recommended by the Departmental Promotion Committee (DPC). At the time of earlier DPC the numbers of posts were 31 and applicant was recommended on 31st post. However, one Shri Utkarsh V. Devkule was having rightful claim to the post of Naib Tahsildar by way of promotion and this Tribunal has allowed the CA of Shri U.V. Devkule and respondent no.1 was directed to promote Shri Devkule to the post of Naib Tahsildar and therefore he was promoted

to the 31st post of Naib Tahsildar as per order dated 24.1.2022 passed by this Tribunal in CA No.57 of 2021 in OA No.88 of 2021.

6. Ld. CPO submits that there were only 31 posts and applicant Shri A.S. Gengane being the last one was required to be reverted to the post of Awal Karkun and therefore he was reverted by order dated 18.2.2022. Ld. CPO further clarifies that the word, 'post' is used in last line of para 9 of the order dated 24.1.2022 and therefore department had confusion. Ld. CPO suggested that instead of word 'post', the word 'promotion' can be used, so that matter can be resolved, in view of order dated 8.10.2021 passed by this Tribunal in OA No.689 of 2021 filed by Shri A.S. Gengane.

7. Ld. Advocate for the applicant has no objection if applicant Shri A.S. Gengane is allowed to continue by way of ad hoc promotion to the post of Naib Tahsildar.

8. We find substance in the submissions of Ld. CPO especially as we want to maintain directions given in para 6 of the order dated 8.10.2021 passed by this Tribunal in OA No.689 of 2021 filed by Shri A.S. Gengane. We therefore before passing this order have corrected the last line of para 9 of the order dated 24.1.2022 by taking up suo motu speaking to minutes of the order today. We have used the words, "*So Mr. Gengane's promotion, which was already given, is to be treated and continued as ad hoc promotion by way of stop-gap arrangement.*" We have referred to para 6 of the order dated 8.10.2021, which is reproduced below for ready reference.

"6. In view of the above, Original Application stands disposed of with direction to the Respondents to allow the applicant to continue as ad hoc promoted on the present post of Resident Naib Tahsildar,

Haveli, District Pune till the meeting of the D.P.C. is held and the results declared.”

9. We direct the GAD to act upon this order and also we point out the respondents no.1 to 3 have violated Article 311 of the Constitution of India by passing reversion order dated 18.2.2022 without issuing show cause notice to the applicant.

10. In view of the above, we hereby quash and set aside the said reversion order dated 18.2.2022 of the applicant and we direct the respondents to continue the applicant on ad hoc promotion on the post of Naib Tahsildar, Haveli, District Pune till the orders of promotion of the next DPC are issued by respondent no.1 after decision is taken by the DPC. OA is disposed off accordingly.

Sd/-

(Medha Gadgil)
Member (A)
23.2.2022

Sd/-

(Mridula Bhatkar, J.)
Chairperson
23.2.2022

Dictation taken by: S.G. Jawalkar.