

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.805 OF 2017**

DISTRICT : SANGLI

Smt. Sangita Ashok Kamble,)
Office Superintendent (Retired), Age 59 years,)
“Sheetal Sagar”, Anand Colony, East Side of)
Ramkrishna Paramhans Society, Near Pol Mala,)
Sangli 416 416)..Applicant

Versus

1. Chief Secretary,)
State of Maharashtra, Mantralaya, Mumbai-32)
2. The Additional Chief Secretary,)
Medical Education & Drugs Department,)
Mantralaya, Mumbai 400032)
3. The Director,)
Medical Education & Research,)
Government Dental College Building, 4th floor,)
St. George Hospital Campus, Mumbai 400001)..Respondents

Smt. Punam Mahajan – Advocate for the Applicant

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

CORAM : Shri P.N. Dixit, Vice-Chairman (A)

DATE : 11th September, 2019

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. The applicant was working in the establishment of respondent no.3. According to her she was given promotions and deemed date of promotions belatedly after she submitted representations to rectify the seniority lists published from time to time. The representation made by her was decided on 28.6.2016. The same reads as under:

उपरोक्त वस्तुस्थिती विचारात घेता, श्रीमती संगीता अशोक कांबळे यांना खालीलप्रमाणे मानीव दिनांक मंजूर करण्यास या ज्ञापनाव्यये मंजूरी देण्यात येत आहे.

श्रीमती संगीता अ. कांबळे	ज्येष्ठता क्रमांक	पदनाम	नियुक्ती दिनांक	मनीव दिनांक
	कनिष्ठ लिपीक		०१-०९-१९७८	
	३०३ अ	वरीष्ठ लिपीक		२४-१०-२००१
	१२५ अ	वरीष्ठ सहायक		०४-०५-२००५
	७९ अ	कार्यालय अधिक्षक		०६-०८-२०१०

(Quoted from page 62 of OA)

3. In the meanwhile the applicant retired on 30.6.2016. As her juniors were promoted on 28.5.2015 (Annexure A-10 page 58) in which she should have been above Sr. No.9, she has prayed as under:

(a) She should be given notional promotion from 28.5.2015 as Administrative Officer with consequential monetary benefits.

(b) Grant interest on all the monetary benefits which has been delayed.

4. Respondent no.3 has filed affidavit. The relevant portion of the affidavit filed by respondents no.1 to 3 states as under:

“4. Afterwards the Joint Director (Medical Education) vide order dated 15.3.2018 had published the final seniority list of Office Superintendents as on 1.1.2014. In the said seniority list the applicant was shown on seniority No.17-A, after Smt. A.B. Sawant. As per said the list Shri Omprakash Khadse (Seniority No.20) who is junior to the applicant had been promoted as Administrative Officer on Select List of Year 2013-14. Hence it is necessary to scrutinize the eligibility of the applicant on selection list of year 2013-14 as per seniority.”

(Quoted from page 75-76 of OA)

5. The respondent no.2 has filed additional affidavit. The relevant portion of the same is as under:

“5. It is submitted that, as per the seniority list of the Office Superintendent as on 1.1.2014, Shri Omprakash Khadse (Seniority No20) junior to applicant was promoted on the basis of Select List for year 2013-14. Hence it is necessary to scrutinize the eligibility of the applicant on selection list of year 2013-14 as per seniority. It is further submitted that for the said selection list there were 16 vacant posts in cadre of AO. For those 16 posts the GAD had approved reservation as open category-11/SC-3/V.J.(A)-1/NT(C)-1. The applicant Smt. Sangeeta Kamble belongs to SC category and as per seniority list she was required to be considered for promotion against reserve category (i.e. SC) post.”

(Quoted from page 82 of OA)

Observations and findings:

6. The applicant belongs to Scheduled Caste category. The promotion order dated 8.10.2013 issued by the respondents in respect of the applicant states that she has been promoted from the open category. The relevant portion reads as under:

१५	श्रीमती संगीता अ. कांबळे	१२३	प.व.पा.शा. सर्वो रुग्णालय, सांगली	अ.जा.परंतू खुल्या प्रवर्गातून	प.व.पा.शा.सर्वे, रुग्णालय, सांगली येथे कार्यालय अधिक्षक या रिक्त पदावर
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(Quoted from page 94 of OA)

7. However, the affidavit filed by respondent no.2 states that as the applicant belongs to Scheduled Caste category she has been excluded while promoting her juniors as Administrative Officers. The applicant contends that though she may be belonging to Scheduled Caste category, if her name is figuring in the seniority list at par with the open candidates she should have been considered as per seniority and should not have been superseded. It is necessary therefore that the respondents are directed to examine her case afresh.

8. In view of the foregoing, respondents are directed as under:

(a) Examine whether the promotions and deemed date of promotion given to the applicant and placing her in the seniority list is as per the list of the open candidates or whether she has been given promotion on the basis of reservation.

(b) After deciding the above within a period of four weeks, the same should be communicated to the applicant within fifteen days

and consequent monetary benefits be made available to her within a period of four weeks as per rules.

(c) After receipt of this order, from the date of receipt, if the monetary benefits are not made available to her as per fixing of the notional promotion and deemed date, the respondents would be liable to pay interest at the rate of 7% per annum till the date of actual payment.

9. With the above directions, OA is disposed off. No orders as to cost.

(P.N. Dixit)
Vice-Chairman (A)
11.9.2019

Dictation taken by: S.G. Jawalkar.

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