

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
REVIEW APPLICATION NO.14/2016
IN ORIGINAL APPLICATION NO. 91/2016

Sau. Surekha W/o Minish Gaikwad
(Suresh D/o Tejrao Shewale)
Aged about 40 years, Occ. Service,
R/o Mangalwari Bazar, Nai Basti, Near Priya
Cycle Store, Nagpur, Tah. & Distt. Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.
- 2) The Additional Principal Chief Conservator of Forests,
(Administrative / Subordinate cadre),
M.S., Van Bhavan, Civil Lines, Nagpur.
- 3) The Chief Forest Statistician,
Van Bhavan, Civil Lines,
Nagpur.

Respondents

Shri S.N. Gaikwad, Advocate for the applicant.

A.M. Ghogre, P.O. for the respondents.

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

Dated :- 30/03/2017.

ORDER -

Heard Shri S.N. Gaikwad, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

2. In this O.A. the applicant has claimed Review of the Judgment an order dated 27-10-2016 passed by this Tribunal in O.A.No. 91/2016. The O.A. was dismissed with no order as to costs.

3. In O.A.No.91/2016, the applicant has claimed for direction to respondent no.2,i.e.,the Additional Principal Chief Conservator of Forests,(Administrative / Subordinate cadre),Nagpur to grant her deemed date of promotion for the post of Accountant in Physically Handicapped category from 2008 and also to grant appointment date of promotion to the post of Chief Accountant in Physically Handicapped category from 2011.

4. The learned counsel for the applicant submits that in para-2 of the Judgment this Tribunal wrongly mentioned date and seniority number of one Shri R.P.Gedam. In the said para it is stated that the applicant was appointed as a Clerk from Physically Handicapped category (Ortho) vide order dated 1-9-2014 and joined the service on 26-10-2014. The learned P.O. admits that these dates are wrongly typed and the applicant's date of appointment should have been 1-9-2004 and joining date should have been 26-10-2004.

This can be corrected. Similarly, in the same para it has been stated that the applicant's stand at sr.no.65 in the seniority list, but was not promoted, instead of one Shri R.P.Gedam who was at sr.no.18, was promoted. The learned P.O. also admits the fact that Shri R.P.Gedam was at sr.no.80 and not at sr.no.18. So far as the contention regarding incorrect dates is concerned, it seems that the same mistakes are typographical mistakes and can be corrected accordingly. The Registrar therefore is directed to correct the date "1-9-2014" in para-2 as "1-9-2004" and date of joining service in the said para as "26-10-2004" instead "26-10-2014". Similarly the seniority number of Shri R.P.Gedam in the same para shall be replaced as "80" in place of "18".

5. The learned counsel for the applicant submits that this Tribunal has observed in para-3 that Shri R.P.Gedam as well as applicant has passed departmental qualifying examination and their seniority shall be counted from the date of their initial appointments and therefore the respondents ought to have promoted the applicant in the year 2008 itself. It is further stated that the respondents have relied on the G.R. dated 5-3-2002 which provides the quota for promotion for handicapped employee and the same has not been properly interpreted. It is further stated that the Tribunal has come to the conclusion that there was no record to show that any other junior

to the applicant has been considered for promotion but Shri R.P.Gedam being junior this statement is incorrect and therefore Judgement needs to be reviewed.

6. I have carefully gone through the Judgment passed in O.A.No.91/2016. Perusal of the Judgment shows that the facts as to how the applicant was not entitled to be considered from the reservation quota of Physically Handicapped as against Shri R.P.Gedam has been considered by this Tribunal in details. Considering the para nos. 3 to 8 of the reply-affidavit filed by the respondents and this Tribunal has clearly come to the conclusion that amongst the quota of Physically Handicapped employees Shri R.P.Gedam was preferred and the reason for giving preference to Shri Gedam has also been given. If the applicant is aggrieved by such findings given by this Tribunal, the proper recourse open for the applicant justified/ W.P. as the case may be and it cannot be a ground for review.

7. In view thereof, I do not find any merit in the Review Application except that some typographical mistakes are to be corrected. Hence, the following order.

ORDER

The Review Petition is partly allowed. The dates as already stated in para-2 of the Judgment passed in O.A.No.91/2016 dated 27-10-2016 be corrected. The Registrar is directed to make necessary corrections and call back the certified copies if already given to the parties and after retaining the same, corrected certified copies be issued to the parties. No order as to costs.

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

dnk.