

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO. 6 OF 2016
IN
ORIGINAL APPLICATION NO. 615 OF 2015**

DISTRICT: - JALNA.

Shri Sanjay Pandurang Tejankar
Age : 51 years, Occu: Govt. service,
R/o Bargaje Row House,
Samarthnagar, Old Jalna
District Jalna.

.. APPLICANT.

V E R S U S

1] The Divisional Commissioner,
Aurangabad Division, Aurangabad.

2] The Collector, Jalna
District Jalna.

.. RESPONDENTS

APPEARANCE : Shri A.D. Gadekar, learned Advocate
for the applicant.

: Smt. Resha S. Deshmukh – learned
Presenting Officer for the res.

CORAM : **J.D. KULKARNI, VICE CHAIRMAN (J)**
AND
P.N. DIXIT, MEMBER (A)

DATE : **21ST February, 2018.**

O R A L O R D E R

1. Heard Shri A.D. Gadekar, learned Advocate for the
applicant and Smt. Resha S. Deshmukh, learned Presenting
Officer for the respondents.

2. Learned Advocate for the applicant has filed affidavit along with order/communication dated 03.05.2017 and the same is taken on record.

3. The applicant is seeking review of the common order and judgment passed by this Tribunal on 4th March, 2016 in O.A. Nos. 525, 526, 527 & 615 all of 2015. All these Original Applications were dismissed.

4. The applicant is claiming review only in respect of his Original Application i.e. O.A. No. 615/2015.

5. According to the learned Advocate for the applicant, the Tribunal observed in paragraph No. 5 in the judgment and order passed on 4th March, 2016 that on 8.1.2013, the present applicant attained the age of 45 years and, therefore, he was exempted from passing the Revenue Qualifying Exam as well as qualifying examination for the post of Clerical cadre. However, the Tribunal wrongly observed that the case of all the applicants [O.A. NOS. 525, 526, 527 & 615 all of 2015] were considered in the DPC held in the year 2015 i.e. on 24.7.2015. It was observed that the applicants' cases were considered and they were found unfit for promotion. However, fact remains

that the applicant's case was never considered in the said Departmental Promotion Committee.

We have perused the minutes of the meeting of the DPC dated 24.7.2015 [Annexure 'A-3', page-37 to 42 of paper book of the O.A. No. 615/2015], from which it seems that, the applicant, who was exempted from passing of clerical examination, has not at all been considered in the D.P.C. though the case of other applicants were considered. In view thereof, there seems to be apparent mistake in rejecting the application filed by the present applicant (O.A. No. 615/2015). We are, therefore, of the opinion that the final order and observation in respect of the present applicant only needs to be reviewed and, therefore, the common order and judgment passed in O.A. Nos. 525, 526, 527 & 615 all of 2015 stands modified to the extent of the present applicant only as under: -

The present applicant has been exempted from passing Revenue Qualifying Exam as well as qualifying examination for the post of Clerical cadre on attaining the age of 45 years on 8.1.2013, and therefore, his case should have been considered by the D.P.C. in its meeting dated 24.7.2015. The committee may consider the case of the present applicant on its own merit considering the eligibility and other criteria, such as his CRs, leave

account etc. and take appropriate decision as per the rules. We therefore, pass the following order: -

ORDER

- (i) The present review petition stands allowed.
- (ii) The O.A. Nos. 525, 526, 527 stands dismissed with no order as to costs.
- (iii) The O.A. No. 615/2015 is partly allowed.
- (iv) The respondents are directed to consider the case of the present applicant for promotion to the post of Awal Karkun by holding a separate meeting and if the applicant is found eligible for promotion, he shall be granted promotion as if his case has been considered in 2015. Since the applicant has already been promoted by order dated 3.5.2017 as Awal Karkun, the committee may grant deemed date of promotion to the applicant as if his case has been considered in the meeting of the year 2015, subject to his eligibility on merit.

MEMBER (A)

VICE CHAIRMAN (J)

PLACE : AURANGABAD.

DATE : 21ST February, 2018.

REV.6-2016 IN O.A.615-2015-DB-(hdd)