

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**REVIEW APPLICATION No. 17/2017**  
**IN ORIGINAL APPLICATION NO. 96 OF 2016 (D.B.)**

Smt. Aruna Sheshrao Tekam,  
Aged about 66 years, retired Chemical Analyzer,  
R/o Manish Nagar, Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary, Department of Home  
Mantralaya, Mumbai-32.
- 2) The Director of Forensic Science Laboratory,  
Home Department, Santacruz, Mumbai-98.
- 3) The Deputy Director,  
Regional Forensic Science Laboratory,  
Dhantoli, Nagpur-12.

**Respondents.**

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**Shri Bharat Kulkarni, Advocate for the applicant.**

**Shri A.M. Ghogre, P.O. for respondents.**

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**Coram :- Shri Shree Bhagwan,  
Vice-Chairman and  
Shri Anand Karanjkar, Member (J).**

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**Date of Reserving for Judgment : 8<sup>th</sup> January, 2020.**

**Date of Pronouncement of Judgment : 24<sup>th</sup> January, 2020.**

**JUDGMENT**

**Per : Anand Karanjkar : Member (J).**

**(Delivered on this 24<sup>th</sup> day of January, 2020)**

Heard Shri Bharat Kulkarni, learned counsel for the  
applicants and Shri A.M. Ghogre, learned P.O. for the respondents.

2. This application for review is filed by the applicant alleging that the order passed by the Division Bench of M.A.T. on 11/08/2017 in O.A.96/2016 is erroneous, for the reason that the grounds argued were not considered, and therefore, there was miscarriage of justice. It is submitted that in the O.A. case was made out for issuing direction to the respondents to decide proposal dated 13/1/2016 but this case was not considered.

3. We have heard the submissions on behalf of the learned counsel for the applicant and the learned P.O. After going through the order in O.A. 96/2016 dated 11/08/2017, it seems that this Bench considered the order passed in O.A. 150/2009 decided on 29/04/2015 and the direction issued in para no.13 of that order. Similarly, the Bench also considered in para-4 the order passed in Civil Application No. 239/2015 for contempt filed by the applicant. The Bench came to the conclusion that the order passed in O.A.150/2009 was duly complied and consequently the Civil Application for contempt was disposed of and liberty was given to the applicant to file fresh O.A..

4. It is contention of the applicant that direction be given to the respondents to decide the proposal dated 13/1/2016. It seems that in O.A.150/2009 direction was given to give regular appointment to the applicant as Assistant Chemical Analyser w.e.f. 8/10/1987 along with the consequential benefits. In O.A.96/2016 it seems that the

applicant was seeking direction to the respondents for granting regular promotion as Assistant Director with deemed date along with the arrears of pay and allowances.

5. It is observed by the Bench in O.A. 96/2016 that in Contempt Application No. 239/2015, liberty was given to the applicant to approach this Tribunal for the grievances. It is also observed that the applicant was challenging the seniority list of 1/1/1988 on the ground that the proper procedure was not followed as prescribed in Maharashtra Civil Services (Preparation of Seniority) Rules, 1982. The Bench observed that in O.A. 150/2009 this was not disputed and it was observed that the seniority list of the year 1988 would not be a subsequent development. The Bench has also held that as it was not subsequent development, therefore, applicant cannot be permitted to agitate the issue. It seems that it was contended by the applicant before the Bench and submitted that he was entitled for benefit as per proposal dated 13/1/2016 and it was not considered. The legal position is settled that when case was argued and it is not considered this means that the contention is rejected. It seems that the O.A.No. 96/2016 was dismissed for the reason that the applicant had no right to challenge the seniority list dated 1/1/1988 as she could have challenged the same when she filed O.A. No. 150/2009. Under these circumstances, we do not see any merit in the application for review.

After reading the prayer clause in O.A.No.96/2016, it seems that the applicant prayed for issuing revised seniority list as on 1/1/1988. There was no prayer in this application to grant her relief on the basis of proposal dated 13/1/2016. It is pertinent to note that the applicant never attempted to amend the O.A. for issuing such direction to the respondents.

6. In view of this, we are of the opinion that no case is made out to review the order passed in O.A. 96 of 2016. Hence, the application for Review stands dismissed. No order as to costs.

**(Anand Karanjkar)**  
**Member(J).**

**(Shree Bhagwan)**  
**Vice-Chairman.**

**Dated** :- 24/01/2020.

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I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble V.C. and Member (J).

Judgment signed on : 03/02/2020.

Uploaded on : 03/02/2020.

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