

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**

Review Application No. 08/2018 in O.A.No. 18/2008  
( Shri Deepak S/o Ramchandra Ambulkar Vs. State of Mah.& Ors.)

**With**

Review Application No. 09/2018 in O.A.No. 19/2008  
( Shri Rumakant S/o Nandaji Bombale Vs. State of Mah.& Ors.)

**With**

Review Application No. 10/2018 in O.A.No. 20/2008  
( Shri Sanjeev S/o Narayan Dhakate Vs. State of Mah.& Ors.)

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

**Dated :- 07/01/2021.**

**COMMON ORDER**

**PER : MEMBER (J).**

Heard Shri G.G. Bade, learned counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. These Review Applications are arising out of the O.A. Nos. 18,19 & 20 of 2008. The facts in brief are as under –

3. All the applicants entered the service as Surveyors and they filed the O.As. for giving them deemed date promotion as Overseer / Junior Engineer since the date they passed the departmental examination. All the O.As., were resisted by the respondents and vide order dated 11/1/2016, this Bench was pleased to dismiss all the applications vide common order. While dismissing the O.As., in para-12 it was observed by this Bench as under –

*“As regards cases of 26 Surveyors / CEAs who were granted the benefit of deemed date of promotion as Junior Engineer from the date of passing this examination, we find that the Government had rejected such action taken by the respondent no.2.”*

4. The respondent no.2 in the O.A. was the Superintending Engineer (Co-ordination), Public Works Circle, Nagpur. It was contended by the respondents before the Division Bench that wrong decision was taken by the respondent no.2 in giving deemed date to 26 others Surveyors / CEAs since the date they passed the departmental examination. It was contended that since the posts were not vacant the Superintending Engineer had no authority to promote the 26 Surveyors/CEAs.

5. In these applications for Review, the applicants have placed reliance on the G.R. dated 2/1/2016 as under –

*^mDr uem 52 dfu”B vfHk; R; kauk I u 1968 rsl u 1997 ; k dkyko/khr I nj ekaho fnuad i nku dj.; kr vkysys vkgs ; k 52 dfu”B vfHk; R; ki dth] , dqk 31 dfu”B vfHk; ars I dkfuorR >kysys vkgs- rI p] brD; k fn?kZ dkyko/khuarj] gs R; k fnuadkl dfu”B vfHk; ark i nlp; k i nklurtp; k dks; krhy fu; fer i n mi yC/k ul Y; lp; k dkj.kLro i nku dj.; kr vkysysekaho fnuad jnn dj..ls mfpR Bjr ukgh- ; kLro vf/k{kd vfHk; ark] I kozt fud clakdke eMG] utxi j; kauh , dqk 52 dfu”B vfHk; R; kauk i nku dsyS; k ekaho fnuadkl ekU; rk ns; kph ckc ‘kkI ulp; k fopkj/khu ghor-*

*‘kkI u fu.k’ &*

*I kozt fud clakdke foHkxkrxir vf/k{kd vfHk; ark] I kozt fud clakdke eMG] utxi j; kauh R; kR; k eMGkrxir dk; jr vl ys; k dfu”B vfHk; R; kauk i nku dsyS; k ekaho fnuadkl , d fo’ksk ckc Eg.kau ‘kkI ukph ekU; rk ns; kr ; s vkgs I njph ekU; rk Hkfo”; kr i phtkgj .k Eg.kau Bj.kkj ukgh\*\**

We have perused this G.R., the relevant portion is as under-

6. On the basis of this G.R. it is contended by the applicants that administrative decision is taken by the Government to confirm deemed date promotion, since the date the 52 Junior Engineers had

passed the departmental examination. After reading the G.R., it seems that the Government observed that out of 52, 31 Junior Engineers retired from the service and the Government also observed that though the posts of Junior Engineers were not vacant in the quota, but it would not be suitable to withdraw the deemed date and consequently Government accorded sanction to the decision taken by the respondent no.2 granting deemed date to 52 Junior Engineers. The learned counsel for the applicants submitted that this decision was taken by the Government on 2/1/2016 and when the matter was argued and decided by this Bench on 11/1/2016 this decision was inforce. It is submitted that had this decision was brought to the notice of the Bench on 11/1/2016, then there was no possibility to observe that cases of 26 Surveyors / CEAs who were granted deemed date promotion were rejected by the Government.

7. Now position is that the Government has given sanction to the deemed date promotions of total 52 Junior Engineers including the 26, but same relief is not granted to the applicants though the applicants were senior to them..

8. It is contention of the learned P.O. that this decision was taken by the Government as a special case and the G.R. itself it is mentioned that it will not be a precedent for granting similar relief to other Junior Engineers. In our opinion, this submission of the learned

P.O. is erroneous. As per the Constitution of India, it is duty of the Government to administer justice and Government is bound not to make any discrimination and give fair treatment to one set of employees and not to give same treatment to other set of employees. Once administrative decision is taken by the Government and confirmed the deemed date promotions of 52 Junior Engineers, then as per the law of parity the applicants were also entitled for the same relief. In our opinion, this decision of the Government dated 2/1/2016 had brought to the notice of this Bench, then this Bench certainly would not have taken the view against the applicants.

9. In view of this, we accept that there is apparent error in the decision as the material evidence was not before the Bench, therefore, we allow all the Review Applications and in consequence all the Original Applications are allowed in terms of prayer clauses nos.1&2. No order as to costs.

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

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

**\*Dated** :- 07/01/2021.

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