

**O.A.No.364/2019 (D.B.)**

**Coram: Shri Shree Bhagwan,**  
**Vice Chairman**

**Dated : 28<sup>th</sup> May 2019.**

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The Id. Counsel for the applicant has pointed out provisional seniority list published by respondents dated 16/02/2019 (Annexure-A-7) of Class-IV employees. It appears that this seniority list for period as on 01/01/2019. Subsequently, respondents have published final seniority list as on 19/03/2019 (Annexure-A-8). In both these lists, the applicant was at Sr. No. 1. Since, the joining date of the applicant is 25/02/2010 and he fulfils all the criteria laid down by the Recruitment Rules, Gazette Notification, dated 06/06/2017 (Annexure-A-15). *Prima facie*, as per this list applicant is placed at right place in this seniority list.

3. However, respondents have again published the provisional seniority list as on 23/04/2019 (Annexure-A-10), as per date it appears that it is as on 01/01/2019. In this list, applicant has been placed on Sr. No. 21.

The Id. Counsel for the applicant also pointed out that applicant has raised objection by representation dated 24/04/2019 (Annexure-A-11) and he was asked for personal hearing as per letter dated 04/05/2019 (Annexure-A-12). However, applicant was not provided record about personal hearing. He again requested to provide details about the personal hearing vide representation dated 22/05/2019 (Annexure-A-13).

4. Meanwhile, respondents have issued order of promotion vide letter dated 27/05/2019 (Annexure-A-14), which is signed on 25/05/2019. As per the Id. Counsel for the applicant, 25/05/2019 was holiday and respondents rushed to published this order without finalizing provisional seniority list as published by them only vide letter dated 23.04.2019 (Annexure-A-10).

5. *Prima facie*, it appears that first of all respondents should have finalized the provisional seniority list published as on 01/01/2019 vide their own letter dated 23/04/2019. But they failed to finalize the provisional seniority list and issued promotion order dated 27/05/2019 (Annexure-A-14).

5. In view of these facts and circumstances, issue notices to the

respondents returnable within three weeks from the date of this order. Meanwhile, respondents are directed that while issuing promotion order as per letter dated 27/05/2019 (Annexure-A-14), they must keep one post vacant till filing of the reply.

6. Issue notice to R-2 to 9, returnable on three weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

9. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as

limitation and alternate remedy are kept open.

10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

12. **S.O. three weeks.**

13. *Steno copy is granted.*

**Vice Chairman**

**Date:-28/05/2019.**

aps.

O.A.No.358/2019 (D.B.)

**Coram: Shri Shree Bhagwan,  
Vice Chairman**

**Dated : 28<sup>th</sup> May 2019.**

Heard Shri Arun Borkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondent no. 2.

2. The Id. Counsel for the applicant has filed pursis dated 24/05/2019. He is willing to withdraw the O.A.. He is permitted to withdraw the same.

**3. Hence, O.A. is disposed of as withdrawn with no order as to costs.**

**Vice Chairman**

**Date:-28/05/2019.**

aps.

O.A.No.366/2019 (S.B.)

**Coram: Shri Shree Bhagwan,  
Vice Chairman**

**Dated : 28<sup>th</sup> May 2019.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The Id. Counsel for the applicant has relied upon Judgement delivered by Principle Bench, MAT, Mumbai in O.A. No. 902/2018 on 22/02/2019 in para no. 5. The proposal has been submitted vide letter dated 05/11/2018 (Annxure-A-1).

3. As per the relief clause 9.1, Respondents are directed to finalize the proposal dated 05/11/2018 **within three months** from the date of this order as per the existing Rules and Regulations.

4. **With this directions, the O.A. is disposed off.**

5. **No order as to costs.**

**Vice Chairman**

**Date:-28/05/2019.**

aps.

**O.A.No.365/2019 (S.B.)**

**Coram: Shri Shree Bhagwan,  
Vice Chairman**

**Dated : 28<sup>th</sup> May 2019.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The Id. Counsel for the applicant has pointed out the G.R. dated 17/09/2018 (Anexure-A-4) in which Hon'ble High Court has given directions, which is mentioned on P.B., Pg. No. 14. The G.R. is of Rural Development Department, the applicant has moved representation dated 27/11/2018 (Annexure-A-1) to decide his seniority as per said G.R.

3. However, the Id. P.O. has pointed out that said G.R. is from Rural Development Department. So, he needs to take instructions from the concerned department i.e. Soil and Water Conservation Department.

4. The Id. P.O. is directed to take instructions from the Department regarding redressal of grievances of applicant. Meanwhile, respondents are at liberty to decide representation of applicant letter dated 27/11/2018 (Annexure-A-1).

5. The Id. Counsel for the applicant is directed to make necessary amendment for making local and regional offices as respondents. After necessary amendment carried out, issue notices to the respondents.

6. Issue notice to respondents after amendment, returnable on 18.06.2019. Learned P.O. waives notice for R-1. Hamdast allowed.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

9. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the



Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**12. S.O. 18.06.2019.**

**Vice Chairman**

**Date:-28/05/2019.**  
aps.

**O.A.No.367/2019 (S.B.)**

**Coram: Shri Shree Bhagwan,  
Vice Chairman**

**Dated : 28<sup>th</sup> May 2019.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The Id. Counsel for the applicant has pointed out the G.R. dated 17/09/2018 (Anexure-A-4) in which Hon'ble High Court has given directions, which is mentioned on P.B., Pg. No. 19. The G.R. is of Rural Development Department, the applicant has moved representation dated 03/11/2018 (Annexure-A-1) to decide his seniority as per said G.R.

3. However, the Id. P.O. has pointed out that said G.R. is from Rural Development Department. So, he needs to take instructions from the concerned department i.e. Soil and Water Conservation Department.

4. The Id. P.O. is directed to take instructions from the Department regarding redressal of grievances of applicant. Meanwhile, respondents are at liberty to decide representation of applicant letter dated 03/11/2018 (Annexure-A-1).

5. Issue notice to R-2 & 3, returnable on 18.06.2019. Learned P.O. waives notice for R-1. Hamdast allowed.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date.

Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**11. S.O. 18.06.2019.**

**Date:-28/05/2019.**  
aps.

**Vice Chairman**