

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.267/2016

**DISTRICT: - AHMEDNAGAR,
AURANGABAD, LATUR, BEED,
JALNA, PARBHANI, NANDED**

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1. Ashok Limbaji Shejul,
Age: 55, Occ: Service,
R/o. Vihamandava, Tq. Paithan,
Dist. Aurangabad.
 2. Ramchandra Bapurao Ghadage,
Age:- 50 years, Occu: Service,
R/o Uppar Pravara Canal Division
Sangamner, Dist. Ahamadnagar.
 3. Vikram Bajirao Gunjal,
Age:- 56 years, Occu: Service,
R/o Uppar Pravara Canal Division
Sangamner, Dist. Ahamadnagar
 4. Balasaheb Vinayak Pagare,
Age:- 56 years, Occu: Service,
R/o Minor Irrigation Sub-Division
Loni, Tq. Rahata, Dist. Ahamadngar.
 5. Surybhan Kerba Kasbe,
Age:- 56 years, Occu: Service,
R/o S.S.(S.C.) Sub-Division, Ambejogai, dist. Beed.
 6. Dhondiram Viththalrao Palnate,
Age:- 52 years, Occu: Service,
R/o L.D.(C) Sub-Division, Gangakhed,
Dist. Parabhani.
 7. Babasaheb Apparao Jadhav,
Age:- 51 years, Occu: Service,
R/o L.D.(C), Sub-Division, Gangakhed, Parabhani.

8. Hareshvar Laxmanrao Dange,
Age:- 52 years, Occu: Service,
R/o Lower Terna Canal, Division 2 Latur.
9. Satyavan Viththalrao Pangule,
Age:- 51 years, Occu: Service,
R/o M.I. Division Motibag Road, Jalna.
10. Ganesh Raghunath Bhavane,
Age:- 50 years, Occu: Service,
R/o M.I. Division Ahamadpur, Dist. Latur.
11. Nandkumar Mallikarjun Hundekari,
Age:- 50 years, Occu: Service,
R/o Krisinchiyan colony,
back side J.E.S. College, Jalna.
12. Vivek Prabhudas Nirmal,
Age:- 50 years, Occu: Service,
R/o Mi-Sub Division, (L.S.), At Post. Mukhed,
Tq. Mukhed, Dist.Nanded.
13. Vilas Madhavrao Sonkamble,
Age:- 52 years, Occu: Service,
R/o Medium Project, Sub-Division, Limboti,
Tq. Loha, Dist. Nanded.
14. Ashok Panchakshri Kalyane,
Age:- 56 years, Occu: Service,
R/o Sub-Division, Irrigation Division,
No. 9 Ahamadpur, Dist. Latur.
15. Yogiraj Rambhau Shinde,
Age:- 54 years, Occu: Service,
R/o Sub-Division, Irrigation Division
No.9 Ahamadpur, Dist. Latur.
16. Vilas Baburao Ugile,
Age:- 48 years, Occu: Service,
R/o Sub-Division Officer F.C. Lining,
Sub-Division No. 9, Sirsala,
Tq. Ashti, Dist. Beed.

17. Baburao Ramling Lokhande,
Age:- 53 years, Occu: Service,
R/o Sub-Division Officer, Sub-Division,
Ashti, Tq. Ashti Dist. Beed.
18. Lahanu Yadav Shinde,
Age:- 53 years, Occu: Service,
R/o Sub-Division Officer, Sub-Division,
Ashti, Tq. Ashti, Dist, Beed.
19. Prabhakar Laxman Kokate,
Age:- 56 years, Occu: Service,
R/o Sub-Division No. 34, Gangakhed.
20. Mukundraaj Bhimashankar Kalshetti,
Age:- 50 years, Occu: Service,
R/o Jaikwad Colony, Selu,
Tq. Selu, Dist. Parbhani.
21. Madhav Bhaurao Demgunde,
Age:- 55 years, Occu: Service,
R/o At. Post. Gudsur, Tq. Udgir, Dist. Latur.
22. Razzak Noor Mohammed Shaikh,
Age:- 53 years, Occu: Service,
R/o Minor Irrigation Project, Sub-Division,
Udgir, Tq. Udgir, Dist. Latur.
23. Balaji Shankarrao Pampatwar,
Age:- 51 years, Occu: Service,
R/o Kusum Nivas, Chakradhar Nagar,
Back side Of Vitthal Rukhmini Temple,
Malegaon Road, Nanded.
24. Rajendra Ambadas Akote,
Age:- 47 years, Occu: Service,
R/o Jaikwadi Colony, Parbhani.
25. Ram Girdhari Chavhan,
Age:- 51 years, Occu: Service,
R/o Sarasvati Nivas, Vyankatesh Nagar,
Gangakhed, Dist. Parbhani.

26. Datta Gyanoji Sakhare,
Age:- 52 years, Occu: Service,
R/o Sub-Divisional office,
Majalgaon canal, Sub-Division
No. 55, Gangakhed, Dist. Parbhani.
27. Nandkumar Mallikarjun Hundekari,
Age:- 50 years, Occu: Service,
R/o Sub-Division office,
Command Area Irrigation
Sub-division Ahamadpur, Dist. Latur.
28. Ratanrao Narayanrao Gawali,
Age: 57, Occ: Service,
R/o. N-9, H/123/1, Shrikrushna
Nagar, Hadco, T.V. Centre, Aurangabad.
29. Dattu Chabaji Panchal,
Age: 57 Yrs, Occ: Service,
R/o. Kada Office, Behind Gajanan
Mandir, Garkheda Parisar, Aurangabad.
30. Hariprasad Badrinarayan Jaju,
Age: 56, Occu: service,
R/o. Jaikwadi Irrigation,
Sub-Division No.2, Bag Pimpalgaon,
Tq. Gevrai, Dist. Beed.
31. Satish Maruti Jadhav,
Age:- 53 years, Occu: Service,
R/o Mula Irrigation Sub-Division,
Rahuri, Dist. Ahamadngaar.
32. Prakash Bhausahab Lokhande,
Age:- 50 years, Occu: Service,
R/o Mandal Sub-Division Canal,
Sub-Division, Mirajgaon, Tq. Karjat,
Dist. Ahamadnagar.
33. Bapu Namdeo Nimbalkar,
Age:- 53 years, Occu: Service,
R/o 26, Baneshvar Colony,
Burahannagar Tq. Dist. Ahamadnagar.

34. Ghorpade Banshi Vamanrao,
Age:- 48 years, Occu: Service,
R/o Devalali Irrigation Sub-Division,
Devalali Pravara, Tq. Rahuri, Dist. Ahamadnagar.
35. Purushottam Nivrutti Thange,
Age:- 51 years, Occu: Service,
R/o At. Kamat Shingve, Po. Miri,
Tq. Pathardi, Dist. Ahamadnagar.
36. Dilip Raosaheb Gaikwad,
Age:- 50 years, Occu: Service,
R/o S.D.O. Irrigation Sub-Division, Beed.
37. Rambhau Mithu Shinde,
Age: 55, Occ.: Service,
R/o. B-9/C, Tirupati Vihar,
Garkheda Parisar, Aurangabad. ...APPLICANTS

V E R S U S

1. The State of Maharashtra.
Through the Secretary,
Irrigation Department,
Mantralaya, Mumbai.
2. Superintendent Engineer,
Jaikwadi Project circle,
Aurangabad.
3. The Superintendent Engineer,
Command Area Development Authority,
Ahamadnagar (Kada) Circle.
Tq. Ahamadnagar, Dist. Ahamadnagar.
04. The Superintendent Engineer,
Command Area Development Authority,
Ahamadnagar, Tq. Dist. Ahamadnagar.
05. The Superintendent Engineer,
Puna Irrigation circle, Pune
Tq. & Dist. Pune

06. The Superintendent Engineer,
Command Area Development Authority,
Nashik, Tq.&Dist. Nashik.
07. The Superintendent Engineer,
Small Scale Irrigation Circle Division,
Aurangabad, Tq. & Dist. Aurnagabad.
08. The Superintendent Engineer,
Nanded Irrigation Circle Nanded,
Tq. & Dist. Nanded.
09. The Superintendent Engineer,
Command area Development Circle,
Beed, Tq. & Dist. Beed.
10. The Superintendent Engineer,
Beed Irrigation Project Circle Parali (V.),
Tq. Parali (V.) Dist. Beed.
11. The Superintendent Engineer,
Aurangabad Irrigation Circle,
Aurangabad, Tq. & Dist. Aurangabad.
12. The Superintendent Engineer,
Aurangabad Kada circle,
Aurangabad, Tq. & Dist. Aurangabad.
13. The Superintendent Engineer,
Command Area Development Circle,
Aurnagabad, Tq. & Dist. Aurangabad.
14. The Executive Engineer,
Uppar Pravara Canal Division Sangamner,
Tq. Sangamner, Dist. Ahamadnagar.
15. The Executive Engineer,
Minor Irrigation Division No. II, Sangamner,
Tq. Sangamner, Dist. Ahamadnagar.
16. The Executive Engineer,
Mula Irrigation, Division Ahamadnagar,
Tq & Dist. Ahamadnagar.

17. The Executive Engineer,
Kukadi irrigation Division No. II, Shrigonda,
Tq. Shrigonda, Dist. Ahamadngar
18. The Executive Engineer,
Ahamadnagar Irrigation, Division Ahamadnagar,
Tq & Dist. Ahamadnagar
19. The Executive Engineer,
Small Scale irrigation circle,
Division Beed, Tq. Dist. Beed.
20. The Executive Engineer,
Minor Irrigation Division,
Parbhani, Tq. & Dist. Parbhani.
21. The Executive Engineer,
Jayakwadi Division No. 3, Beed
Tq. & Dist. Beed.
22. The Executive Engineer,
Majalgaon, Irrigation Division- Parali (V.)
Beed, Tq. Parali, Dist. Beed
23. The Executive Engineer,
Lower Terna Canal, Division No.2,
Latur, Tq. & Dist. Latur.
24. The Executive Engineer,
Jalna Minor Irrigation,
Division-Jalna, Tq. & Dist. Jalana
25. The Executive Engineer,
Jalna Irrigation, Division,
Jalna, Tq. & Dist. Jalna.
26. The Executive Engineer,
Latur Minor Irrigation Division,
Latur, Tq. & Dist. Latur.
27. The Executive Engineer,
Nanded Minor Irrigation,
Nanded, Tq. & Dist. Nanded.

28. The Executive Engineer,
Vishnu Puri Division II, Nanded
Tq. & Dist. Nanded.
29. The Executive Engineer,
Irrigation No. II, Latur,
Tq.& Dist Latur
30. The Executive Engineer,
Minor Irrigation Division Parali(V),
Tq. & Dist. Beed.
31. The Executive Engineer,
Minor Irrigation Canal Division No. II,
Vaijapur, Head Quarter Valmi,
Tq. & Dist. Aurangabad.
32. The Executive Engineer,
Latur Medium Project Division Latur.
Tq. & Dist. Latur.
33. The Executive Engineer,
Majalgaon canal Division No.7, Gangakhed,
Tq. Gangakhed, Dist. Parabhani.
34. The Executive Engineer,
Jaikwadi Project Division No. 2, Parabhani,
Tq. & Dist. Parabhani.
35. The Executive Engineer,
Nanded Irrigation Division, South Nanded,
Tq. & Dist. Nanded.
36. The Executive Engineer,
Majalgaon Canal Division No.10, Parabhani,
Tq. & Dist. Parabhani.
38. The Executive Engineer,
Beed Medium Project, Irrigation Division,
Ambejogai, Tq. Ambejogai, Dist. Beed.
39. The Executive Engineer,
Majalgaon Project Circle, Kesapuri,
Majalgaon, Tq. Majalgaon, Dist. Beed.

40. The Executive Engineer,
Minor Irrigation Devison-I, Aurangabad,
Tq. & Dist. Aurangabad.

41. The Executive Engineer,
Aurangabad Irrigation Division,
Aurangabad,
Tq. & Dist. Aurangabad.

...RESPONDENTS

APPEARANCE : Shri Ravi R. Bangar, Advocate for the
Applicants.

: Shri N. U. Yadav, Presenting Officer for
the Respondents.

CORAM : Justice M.T. Joshi, Vice-Chairman
AND
Atul Raj Chadha, Member (A)

DATE : 7th February, 2019

O R A L O R D E R
(Delivered on 7th February, 2019)

1. Heard Shri Ravi R. Bangar learned Advocate for the applicants and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. By the present application, applicants are claiming following reliefs:

“(A-1) By appropriate order or directions respondents may kindly be directed to hold and declare applicants are entitled to get exemption from passing professional

*examination in view of crossing of age of 45 years in view of the Government Resolution dated 01-11-1977 from their respective dates which are given at “**Exhibit A-2**” of Original Application.*

(B) By appropriate order or directions the respondents are directed to grant the pay scale of Junior Engineer to the applicants on completion of 12 years continuous service by the respective applicants as per the Assured Progress Scheme with arrears of the salary, pay and allowances.

(C) By appropriate order or directions the order passed by respondents rejecting the claim of the some of the applicants of Assured Progress Scheme may kindly be quash and set aside and further declare that the applicants are entitle for the benefits of Assured Progress Scheme with arrears of the salary, pay and allowances.”

3. Learned Advocate for the applicants files true copy of judgment delivered by this Tribunal in O.A.No.395/2015 on 17th March, 2018. It is taken on record and marked as document “X” for the purpose of identification. The decision would show that the Division Bench of the Hon'ble High Court has decided the issue in 2 cases as can be seen in paragraph 8 and 9 of the order.

4. Relying on the decision in the said judgment, this Tribunal had allowed the said O.A. As the present applicants have already reached the age of 45 years, they stood exempted from passing the professional examination

as per rules. Therefore, they would become eligible for being considered for grant of time bound promotion and eventually grant time bound promotion in case they fit in the scheme and otherwise found fit for promotion.

5. In the circumstances, we pass following order:

ORDER

- (i) The Original Application is disposed of without any order as to costs.
- (ii) The respondents are directed to consider all the applicants for grant of time bound promotion as well as assured career progression scheme by exempting them from passing of the professional examination as required under Rule 3 Sub Rule (a) of the 1998 Recruitment Rules for Junior Engineers on reaching 45 years' age, provided that the applicants meet all other criteria as per schemes of time bound promotion.
- (iii) The respondents are directed to consider the cases of the present applicants as directed above within a period of 4 months' from the date of

this order and the necessary orders shall be issued by them and the said orders shall be communicated to each of the applicants by Registered Post Acknowledgement Due, thereafter.

MEMBER (A)

VICE CHAIRMAN

Place: Aurangabad

Date : 07-02-2019.

YUK DB 267.2016 DT. 07-02-2019 mtj vc