

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.453/2011

DISTRICT: - HINGOLI

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Sopan s/o. Bhagoji Adkine,  
Age : 42 years, Occu. : Service,  
Agriculture Assistant, Killar,  
Tq. Sengaon, District. Hingoli,  
R/o. At Sengaon, Tq. Sengaon,  
Dist. Hingoli.

...APPLICANT

**V E R S U S**

- 1) The State of Maharashtra,  
Agriculture Department,  
(Through its Secretary),  
Mantralaya, Mumbai-400 032.
- 2) Joint Director of Agriculture,  
Latur Division, Tq. & Dist. Latur.
- 3) Taluka Agriculture Officer,  
Sengaon, Tq. Sengaon,  
Dist. Hingoli (Latur Division).
- 4) Prakash s/o. Pandharinath Devkate,  
Age : Major, Occ : Service,  
Taluka Agriculture Supervisor,  
Tq. Ahmedpur, Dist. Latur,  
R/o. At Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

...RESPONDENTS

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APPEARANCE :Shri R.J.Godbole Advocate for the  
Applicant.

:Smt. Resha Deshmukh, Presenting Officer  
for the respondents.

: Shri U.B.Bondar Advocate for respondent  
no.4 is **absent**.

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

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DATE : 22<sup>nd</sup> February, 2018  
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**O R A L O R D E R**  
**[Delivered on 22<sup>nd</sup> day of February, 2018]**

1. Heard Shri R.J.Godbole Advocate for the Applicant and Smt. Resha Deshmukh, Presenting Officer for the respondents.

2. According to the applicant, he has joined services as Agriculture Assistant on 16-07-1997 whereas the respondent no.4 had joined on 09-09-1997, and thus, respondent no.4 is junior to him. It is his case that no seniority list was published and for the first time he came to know such seniority list on 18-10-2010, in which it was noticed that the applicant stands at Sr. No.821 whereas the respondent no.4 stands at Sr. No.667. Applicant had immediately filed representation on 18-01-2011 taking objection on the seniority list and for grant of promotion. However, his representation was not considered, and therefore, he has filed this O.A. in which he is claiming promotion on the post of Agriculture Supervisor w.e.f.

13-05-2005 i.e. from the date on which the respondent no.4 was promoted.

3. Admittedly, during the pendency of the O.A., the applicant has been promoted on the post of Agriculture Supervisor w.e.f. 06-09-2011. Now, at the most the applicant can claim deemed date of promotion if his case is found to be meritorious.

4. It seems from the affidavit in reply that the seniority list for the post of Agriculture Assistant was earlier published in the year 2005 and even objections were called from the concerned but the applicant did not file any objection about seniority.

5. According to the applicant he came to know about the seniority list for the first time on 18-10-2010. At this juncture, without going into merit of the case of the applicant, we feel that it will be in the interest of justice to allow the applicant to apply for the deemed date of promotion from the date on which his juniors were promoted. If such representation is filed, respondent authorities may consider it on its own merit. In view thereof following order is passed:

**ORDER**

(i) O.A. stands disposed of with liberty to the applicant to file representation for grant of deemed date of promotion on the post of Agriculture Supervisor.

(ii) Applicant may file such representation within a month from the date of this order.

(iii) In case such representation is filed within one month, respondent authorities may take decision on it within a further period of 3 months from the date of its receipt on its own merit without being influenced by any of the observations made in this order.

(iv) Respondents shall communicate decision on the representation to the applicant in writing.

(v) There shall be no order as to costs.

**MEMBER (A)**

**VICE-CHAIRMAN (J)**

**Place : Aurangabad  
Date : 22-02-2018.**