

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.213/2014

DISTRICT: AHMEDNAGAR

Pramod s/o. Babanrao Divate,
Age : 28, Occ : Service,
R/o: Rangar Galli, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.

..APPLICANT

V/s.

1] The State of Maharashtra
Through the District Collector,
Ahmednagar, Dist. Ahmednagar.

2] The Superintendent,
Department of State Excise,
Ahmednagar, Ganja Depo,
Station Road, Ahmednagar,
Dist. Ahmednagar.

3] The Inspector,
Department of State Excise,
M/s. Sangamner Bhag,
Sahakari Sakhar Karkhana Ltd.,
Tq. Sangamner, Dist. Ahmednagar

...RESPONDENTS

APPEARANCE: Shri V.B.Wagh learned Advocate for the
applicant.

Shri I.S.Thorat learned Presenting
Officer for the respondents.

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
A N D
Hon'ble Shri B. P. Patil, Member (J)

DATE : 03-08-2017

ORAL ORDER

[PER: VICE CHAIRMAN (A)]

The Applicant is challenging termination of his services by order dated 5th March, 2014 from the post of Constable on the establishment of Superintendent, State Excise, Ahmednagar. It is an admitted fact that an advertisement was issued by the District Selection Committee for selection to the post of Constable as well as Constable-cum-Driver on the establishment of Superintendent, State Excise, Ahmednagar. For the post of Constable (Jawan), 3 posts were reserved from Open category for Part Time Employees. Learned Advocate for the applicant Shri Wagh stated that the condition no.20 of the Advertisement dated 29-02-2012 provided that a candidate registered with the Employment Exchange was to be treated as Part Time Employee. The applicant has produced a copy of registration with the Employment Exchange (paper book page 28). It is contended by the learned Advocate for the applicant that the Applicant was duly selected from Part Time Employees category and his

removal from service by the aforesaid order is illegal and deserves to be quashed and set aside.

2. Learned P.O. stated that the applicant has himself admitted that he had never worked as Part Time Employee. Only persons who has worked for 3 years as Part Time Employee and who have obtained certificate to that effect from the concerned Tahsildar are eligible to be considered for selection in the post horizontally reserved for the category of Part Time Employees. Such candidates holding certificate of Tahsildar as Part Time Employee can also register themselves under Part Time Employees category in the Employment Exchange. On such registration, PTE is required to be noted in the Registration Certificate. However, the applicant had registered himself under the category of X-10, which is a general category and any unemployed person can get himself registered in Employment Exchange in that category. An unemployed person who has registered himself in Employment Exchange is not entitled to get the benefit available to the Part Time Employees category. Learned P.O. stated that the applicant has not made out any case for granting any relief to him and the order of

the Superintendent of State Excise, Ahmednagar is perfectly proper and legal.

3. We find that the applicant himself has admitted that he has never worked as Part Time Employee. He has applied from that category merely on the basis of his registration in Employment Exchange, which will not make him eligible to be considered for appointment in a post horizontally reserved for Part Time Employees category. We do not find anything wrong in the impugned order passed by the Superintendent of State Excise, Ahmednagar. There is no merit in the O.A. Hence, it is dismissed with no order as to costs.

(B. P. Patil)
Member (J)

(Rajiv Agarwal)
Vice-Chairman (A)

PLACE : AURANGABAD
DATE : 03-08-2017