

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

DISTRICT : NANDED

ORIGINAL APPLICATION NO.24/2013

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1. Prakash Ramchandra Pandit,
Age : Major, Occ : Service,
 2. Ramesh s/o Harjit Soude,
Age : Major, Occ : Service,
 3. Narayan s/o Satwaji Bhalerao,
Age : Major, Occ : Service,
 4. Kisan Bapurao Phulwale,
Age : Major, Occ : Service,
 5. Sanjay s/o Jagannath Pandit,
Age : Major, Occ : Service,
 6. Kisan s/o Ramrao Suryawanshi,
Age : Major, Occ : Service,
 7. Tulshiram s/o Madhavrao Waghmare,
Age : Major, Occ : Service,
 8. Rajendra s/o Ganpatrao Waghmare,
Age : Major, Occ : Service,
 9. Shashikant Kisanrao Padhaye,
Age : Major, Occ : Service,
 10. Sahebrao Madhavrao Pandit,
Age : Major, Occ : Service,

All R/o. C/o. Dr. Shankarrao Chavan Govt.
Medical College, Nanded, District Nanded.

Address for service of Notice:-
Shri V.B.Wagh, Advocate,
Prithivihar Apartment, Plot No.32,
Near Saibaba Mandir, Jyotinagar,
Aurangabad.

...APPLICANTS

V E R S U S

- 1) The State of Maharashtra,
Through its Director of Medical Education
And Research, St. Georges Hospital Campus,
Mumbai.
- 2) The Dean,
Dr. Shankarrao Chavan Govt. Medical
College and Hospital, Nanded,
District Nanded. ...RESPONDENTS

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

Smt. Priya Bharaswadkar learned Presenting
 Officer for respondent nos.1 and 2.

 CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman and
 Hon'ble Shri J.D.Kulkarni, Member (J)

DATE: 19st October, 2016.

O R A L O R D E R**[PER: VICE-CHAIRMAN]**

Heard learned Advocate Shri V.B.Wagh for the Applicants
 and Smt. Priya Bharaswadkar learned Presenting Officer for the
 Respondents.

2. Learned Advocate Shri Wagh contended that the Applicants
 are working in Class-IV post in Government Medical College and
 Hospital, Nanded. Though 25% of the posts in Class-III are to
 be filled by promotion from Class-IV persons eligible for such
 promotion, since 2009, such promotions have not been made.
 Learned Advocate Shri Wagh states that applicants are praying

that posts from promotion quota be filled immediately by promoting eligible persons working in Class-IV cadre.

3. Learned P.O. states that there are 40 sanctioned Class-III posts in Dr. Shankarrao Chavan Government Medical College, Nanded. 10 posts of these Class-III are required to be filled in by promotion from eligible Class-IV employees. 15 posts are sanctioned for the hospital and 4 posts are required to be filled by promoting eligible Class-IV employees. Out of the promotion quota, 3 posts at Medical College are vacant and all 4 posts in the hospital are vacant.

4. Learned P.O. stated that these Class-III posts could not be filled in by promotion as 100 point roster has not been maintained by the College and Hospital and also seniority list of Class-IV employees is not yet finalized.

5. We are not satisfied with the explanation given by the respondents for not promoting eligible persons from Class-IV to Class-III in Government Medical College and Hospital, Nanded. In fact, 100 point roster should have been maintained by the respondents. For a very small establishment having 55 posts in

all, out of which only 14 posts are available for promotion, it is not a herculean task that the respondents could not do it so far.

6. Learned P.O. on oral instructions from Dr. Prasad Padmakar Deshpande, Professor in Psychiatry & Nodal Officer for Legal Work, Dr. Shankarrao Chavan, Government Medical College Hospital, Nanded submits that, provisional seniority list has been published in 2016. This O.A. is, therefore, disposed of with following directions:

- (i) 100 point roster for recruitment and promotion for Class-III posts should be prepared within a period of 1 month from this order by the Respondents.
- (ii) Though learned P.O. is not able to give exact date on which the provisional seniority list was published, on instructions from Dr. Prasad Padmakar Deshpande, Professor in Psychiatry present in Tribunal, she states that it has definitely been published in 2016. The seniority list should be finalized within a period of one month from the date of this order.
- (iii) Respondents are, thereafter, directed to take action to fill up posts from promotion quota within a further period of one month.
- (iv) In the circumstances, there shall be no order as to costs.

(J. D. Kulkarni)
MEMBER (J)

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(Rajiv Agarwal)
Vice-Chairman