

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.752/2012
WITH
ORIGINAL APPLICATION NO.20/2013**

DISTRICT – PARBHANI

ORIGINAL APPLICATION NO.752/2012

1. Laxman s/o Dattatray Jadhav,
Age : 51 years, Occ : Service: Kalwa Nirikshak,
R/o. C/o. Irrigation Department,
Parbhani, Jaikwadi Wasahat,
Karegaon Road, Parbhani.
2. Bhaskar s/o Ambadasrao Choudhary,
Age : 57 years, Occ : Service: Hajari Lipik,
R/o. As above.
3. Ashok s/o Ramkrishna Kaudgaonkar,
Age : 58 years, Occ : Service: Kalwa Nirikshak,
R/o. As above.
4. Shaikh Rasul Sk. Chand,
Age : 58 years, Occ : Service: Kalwa Nirikshak,
R/o. As above.
5. Sherkha Maheboob Kha Pathan,
Age : 58 years, Occ : Service: Kalwa Nirikshak,
R/o. As above.
6. Baburao s/o Shankarrao Dhole,
Age : 58 years, Occ : Service: Hajari Lipik,
R/o. As above.
7. Shivaji s/o Ambadasrao Galakatu,
Age : 57 years, Occ : Service: Mojnidar,
R/o. As above.

8. Gopal s/o Haribhau Kulkarni,
Age : 56 years, Occ : Service: Kalwa Nirikshak,
R/o. As above.
9. Kadaji Dagdoba Tehare,
Age : 56 years, Occ : Service: Hajari Lipik,
R/o. As above.
10. Kisan Mohanji Jakapure,
Age : 56 years, Occ : Service: Kalwa Nirikshak,
R/o. As above.
11. Chandrakant Waghoji Done,
Age : 56 years, Occ : Service: Kalwa Nirikshak,
R/o. As above.
12. Bhalchandra s/o Sadashiv Waghule,
Age : 58 years, Occ : Service: Hajari Lipik,
R/o. As above.
13. Najim Javid Abdul Karim,
Age : 53 years, Occ : Service: Kalwa Nirikshak,
R/o. As above.
14. Ramdas s/o Bapurao Dhage,
Age : 56 years, Occ : Service: Hajari Lipik,
R/o. As above.
15. Narayan s/o Bapurao Zade,
Age : 56 years, Occ : Service: Kalwa Nirikshak,
R/o. As above.
16. Shivaji s/o Gangaram Giram,
Age : 57 years, Occ : Service: Kalwa Nirikshak,
R/o. As above.
17. Chandrakant s/o Pundlikrao Patange,
Age : 57 years, Occ : Service: Hajari Lipik,
R/o. As above.
18. Manohar s/o Tarachand Shamkuwar,
Age : 56 years, Occ : Service: Mojnidar,
R/o. As above.

19. Bhagwan s/o Wamanrao Gajare,
Age : 57 years, Occ : Service: Mojnidar,
R/o. As above.
20. Radhakrishna s/o Rangnathrao Atkare,
Age : 57 years, Occ : Service: Hajari Lipik,
R/o. As above.
21. Gurudayal s/o Shankarrao Argade,
Age : 56 years, Occ : Service: Hajari Lipik,
R/o. As above.
22. Mohammad Nasiroddin Md. Vahidoddin,
Age : 58 years, Occ : Service: Mojnidar,
R/o. As above.
23. Vasant s/o Sambhaji Shewalkar,
Age : 58 years, Occ : Service: Hajari Lipik,
R/o. As above.
24. Kisanrao s/o Narayanrao Kakade,
Age : 56 years, Occ : Service: Hajari Lipik,
R/o. As above.
25. Narayan s/o Balaji Daware,
Age : 56 years, Occ : Service: Hajari Lipik,
R/o. As above.
26. Shivaji s/o Trimbakappa Randale,
Age : 54 years, Occ : Service: Mojnidar,
R/o. As above.
27. Radhakishan s/o Raghunath Auti,
Age : 55 years, Occ : Service: Hajari Lipik,
R/o. As above.
28. Dnyanoba s/o Haribhau Giri,
Age : 52 years, Occ : Service: Mojnidar,
R/o. As above.

...APPLICANTS

V E R S U S

1. The State of Maharashtra,
(Copy to be served on the C.P.O.
in M.A.T. Mumbai Bench at Aurangabad)
2. The Secretary,
Finance Department,
Maharashtra State,
Mantralaya, Mumbai-32.
3. The Secretary (CAD),
Water Research Department,
Mantralaya, Mumbai.
4. Superintendent Engineer,
Vigilance Squad, Aurangabad Zone,
Irrigation Department, Aurangabad.
5. Administrator Command Area
Development Authority,
Garkheda, Aurangabad. ...RESPONDENTS

ORIGINAL APPLICATION NO.20/2013

1. Dilip Ramrao Make
Age : 56 years, Occ : Service: Measurer,
R/o. C/o. Irrigation Department,
Karegaon Road, Jaikwadi Wasahat,
Parbhani.
2. Ramesh Anandrao Galakatu
Age : 57 years, Occ : Service: Measurer,
R/o. As above.
3. Shaikh Khuddus Shaikh Rajjak,
Age : 52 years, Occ : Service: Canal Inspector,
R/o. As above.
4. Atmaram Rambhau More
Age : 58 years, Occ : Service: Muster Karkoon,
R/o. As above.

5. Dnyanoba Ganpatrao Rokade,
Age : 59 years, Occ : Service: Muster Karkoon,
R/o. As above.
6. Ram Narayan Deshmukh,
Age : 58 years, Occ : Service: Muster Karkoon,
R/o. As above.
7. Nemichand Suryakant Mahore,
Age : 57 years, Occ : Service: Muster Karkoon,
R/o. As above.
8. Manohar Rambhau Jagtap,
Age : 57 years, Occ : Service: Measurer,
R/o. As above.
9. Suryakant Basvanappa Bhosge,
Age : 56 years, Occ : Service: Muster Karkoon,
R/o. As above.
10. Sudarshan Gangadharao Shahane,
Age : 56 years, Occ : Service: Measurer,
R/o. As above.
11. Bhagwan Narhoji Bhosale,
Age : 57 years, Occ : Service: Canal Inspector,
R/o. As above.
12. Ankush Dulhaji Nakhate,
Age : 58 years, Occ : Service: Muster Karkoon,
R/o. As above.
13. Ramchandra Sadhu Somase,
Age : 56 years, Occ : Service: Measurer,
R/o. As above.
14. Ramesh Surajlal Jaiswal,
Age : 58 years, Occ : Service: Canal Inspector,
R/o. As above.
15. Arun Ganpatrao Pathak,
Age : 58 years, Occ : Service: Muster Karkoon,
R/o. As above.

16. Sarjerao Ramkishan Bodkhe,
Age : 52 years, Occ : Service: Muster Karkoon,
R/o. As above.

17. Uttam Tukaram Deshmane
Age : 56 years, Occ : Service: Measurer,
R/o. As above.

18. Sarvottam Ganpatrao Kulkarni,
Age : 54 years, Occ : Service: Canal Inspector,
R/o. As above.

19. Sahebrao Kachruji Mule,
Age : 57 years, Occ : Service: Measurer,
R/o. As above.

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1. The State of Maharashtra,
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Finance Department,
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Mantralaya, Mumbai-32.

3. The Secretary (CAD),
Water Research Department,
Mantralaya, Mumbai.

4. Superintendent Engineer,
Vigilance Squad, Aurangabad Zone,
Irrigation Department, Aurangabad.

5. Administrator Command Area
Development Authority,
Garkheda, Aurangabad.

...RESPONDENTS

APPEARANCE :Shri S.S.Dambe, learned Advocate for the
applicants in both matters.

Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents in both matters.

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

DATE: 15th February, 2017.

COMMON ORDER [PER: VICE-CHAIRMAN (A)]

Heard Shri S.S.Dambe, learned Advocate for the Applicants in both the O.As. and Smt. Sanjivani Deshmukh-Ghate learned Presenting Officer (PO) for the Respondents.

2. These O.As. were heard together and are being disposed of by a common order as the issues to be decided are identical.

3. Learned Advocate for the Applicants in O.A.No.752/2012 argued that the Applicants in this O.A. are working as Canal Inspector/Measurer in Parbhani District. They are aggrieved by the decision of the Respondents not to grant grade pay of Rs.4200/- in the Pay Band of Rs.9300-34800 on granting them second benefit of Assured Career Progression Scheme as provided in G.R.

dated 01-04-2010. Earlier also, while granting first benefit of Assured Career Progression Scheme/Time Bound Promotion, the posts of Canal Inspector/Measurer/Hajari Lipik etc. were taken as isolated posts ignoring the fact that Canal Inspectors are being promoted as Daftar Karkoon by some other Irrigation Circles.

4. Learned Presenting Officer (PO) argued on behalf of the Respondents that the Recruitment Rules quoted by the Applicants clearly provide that the post of Daftar Karkoon can be filled by nomination only. There is no provision to fill up this post by promotion. Learned P.O. further argued that if some orders in violation of Recruitment Rules have been issued promoting Canal Inspector/Measurer as Daftar Karkoon, the same cannot be a ground to perpetuate the illegality.

5. We find that this issue has been examined threadbare by the Principal Bench of this Tribunal in judgment dated 20-01-2017 in O.A.Nos.1035/2014 with O.A.No.644/2015. This Tribunal has held that the post of Canal Inspector/Measurer is an isolated post, with no chain of promotion. The person working on these posts are eligible

to get benefit of Assured Career Progression Scheme on that basis only.

6. As regards the claim that in some offices of Irrigation Department, Canal Inspectors have been promoted as Daftar Karkoon, this Tribunal held that:

“In view of the law laid down by Hon’ble Supreme Court, we are unable to give any order to grant illegal promotion/Time Bound Promotion to the Applicants, even if in the past some authorities might have issued such illegal orders.”

7. Reliance was placed on judgment of Hon’ble Supreme Court in the case of **Chandigarh Administration V/s. Jagjit Singh : 1995 AIR SC 705.**

8. In both these O.As. aforesaid judgment of the Principal Bench of this Tribunal is squarely applicable. We, therefore, dismiss these O.As. with no order as to costs.

(J. D. Kulkarni)
MEMBER (J)

(Rajiv Agarwal)
Vice-Chairman

Place : Aurangabad
Date : 15-02-2017.