

ORIGINAL APPLICATION NO. 567 OF 2024
(Amisha wd/o Amul Waghware Vs. State of Maharashtra & Ors.)

(Vacation Court S.B.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 05.06.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant is working as Architect in Public Works Department, Chhatrapati Sambhajnagar. By order dated 16.03.2024 (Annex. 'A-1'), the applicant came to be promoted as Senior Architect and posted at Public Works Department, Nagpur on vacant post.

3. Learned counsel for the applicant submits that anticipating the promotion, the applicant had initially submitted the various representations stating therein that her husband died due to Cancer in the year 2022 and her two children who are major are serving at different places i.e. at Mumbai and Bengaluru respectively. Learned counsel for the applicant submits that the applicant has to take care of her age old parents. Learned counsel for the applicant further submits that even after the said

//2//

O.A.567/2024

promotion by order dated 16.03.2024, the applicant has submitted the representations mainly stating therein about the extension of time. By communicated dated 10.04.2024, the applicant was informed that the time is extended up to 15.05.2024 with the rider that under any circumstances, the time will not be extended.

4. Learned counsel for the applicant submits that meanwhile the applicant was assigned with the elections duties as a Nodal Officer and as such, she was required to stay at Chhatrapati Sambhajinagar to perform her election duties till the code of conduct finishes i.e. on 04.06.2024.

5. Learned counsel for the applicant submits that on the representation dated 21.11.2023, the concerned Minister has passed the favourable remarks. However, still then, the same was not considered before the posting on promotion. Learned counsel for the applicant submits that the immediate superior of the applicant i.e. respondent No.5 has also favorably recommended the posting of the applicant at Chhatrapati Sambhajinagar since the post of Senior Architect at Chhatrapati

//3//

O.A.567/2024

Sambhajingar is vacant. The respondent No.5 has submitted the said favourable report to the respondent No.4 i.e. the Chief Architect, Maharashtra State, Public Works Department, Mumbai, who in turn has forwarded the same to the Government by communication dated 08.01.2024 (Annexure 'A-5'). Learned counsel for the applicant submits that the said recommendation dated 08.01.2024 though favorable to the applicant, is still under consideration of the Government and no decision has been taken so far.

6. Learned Presenting Officer for the respondents seeks time to take specific instructions in this regard. However, the learned P.O. has pointed out that the applicant has already given extension of one month and that is prime condition in the promotion order that the applicant should join the promotional post within 30 days and thereafter within extended period, if any.

7. If the proposal dated 08.01.2024 (Annexure 'A-5') is still under consideration of the Government and even the respondent No.4 i.e. the Chief

//4//

O.A.567/2024

Architect, Maharashtra State, Public Works Department, Mumbai has recommended the said proposal favorably, it is necessary to wait since the entire Government machinery was heavily occupied in the election duties. **In the circumstances, it would be just and proper to direct the respondents to maintain the status quo as on today in respect of present posting of the applicant till the next date of hearing i.e. on 10.06.2024. Order accordingly.**

8. S.O. to 10.06.2024.

MEMBER (J)

SAS ORAL ORDER 05.06.2024