

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.265 of 2010 (S.B.)**

Kamalprasad R. Yadav,
Aged about 49 years,
Extension Officer (Statistics),
Zilla Parishad, Panchayat Samiti, Patur,
District Akola.

Applicant.**Versus**

- (1) State of Maharashtra,
through the Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
- (2) The Divisional Commissioner,
Amravati Division, Amravati.
- (3) Zilla Parishad, Akola
through its Chief Executive Officer, Akola.

Respondents.

Mrs. R.S. Sirpurkar, Advocate for the applicant.

Shri M.I. Khan, learned P.O. for respondent nos.1&2.

Shri M.V. Bute, learned counsel for respondent no.3.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 24/02/2025.

JUDGMENT

Heard Mrs. R.S. Sirpurkar, learned counsel for applicant,
Shri M.I. Khan, learned P.O. for respondent nos.1 and 2 and none for
respondent no.3.

2. The case of the applicant in short is as under -

The applicant was working as Extension Officer (Statistics) at Zilla Parishad, Akola. The applicant belongs to N.T. (C) category. Respondent no.3 published seniority list. The applicant was wrongly described as OBC due to which he lost chance of promotion. The incorrect entry in the seniority list was corrected by respondent authority as per the order of Hon'ble High Court and the benefit was given w.e.f. the year 2004. The roster was prepared for Class-II post. The applicant has passed the departmental examination within stipulated time limit, whereas, one Shri Kapde failed to clear the departmental examination. Even though, Shri Kapde was promoted. The Departmental Promotion Committee (DPC) has taken a decision directing the concerned authority to promote the applicant on the post of Group-B post, as per the DPC meeting dated 03/04/2007. The respondents have not complied the direction of DPC. Therefore, the applicant approached to this Tribunal for the following reliefs –

“1) Call the record of the Departmental promotional Committee, headed by the Respondent no.2 in respect of promotion orders issued on 7.2.2001, 24.2.2006, and 24.2.2010.

2) By an appropriate order and / or direction direct the Respondents to grant deemed date of promotion to the applicant w.e.f. 7.2.2004 in Class-II grade of the Maharashtra Development Services and in furtherance thereof to grant all consequential benefits associated thereto.

3) By an ad-interim order, direct the Respondents to consider the claim of the applicant to the promotional post of Class-II officer under the Maharashtra Development Services, and grant it suitably."

3. The respondents have filed the reply. It is submitted that the post which was recommended by the DPC for promotion of applicant was not available and therefore he was not promoted. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, the learned counsel for applicant has pointed out the minutes of meeting of DPC dated 03/04/2007. As per the recommendation, one Shri Gainar who was junior to the applicant, was promoted. The name of applicant was recommended and his name is at sr.no.3 in the Statistic Department. The applicant was not promoted as per the recommendation of DPC.

5. Now the question arises as to how the DPC recommended the name of applicant. The concerned department cannot say at this stage that there was no any post. Before the DPC, everything was kept to take the decision. Thereafter, the DPC has taken the decision to promote the applicant in the reserved category of N.T. (C).

6. As per the submission of learned counsel for applicant, initially the Department has committed wrong with the applicant by showing his caste in OBC category and therefore the applicant approached to the Hon'ble High Court. As per the direction of the

Hon'ble High Court, the respondents have corrected the caste category of applicant. After the direction of the Hon'ble High Court, the applicant is shown in N.T. (C) category. The applicant would have got promotion earlier, if the respondents would have shown the correct caste category of the applicant. The applicant is therefore relying on the DPC meeting dated 03/04/2007.

7. The learned counsel for applicant has submitted that the applicant is claiming deemed date of promotion from the date of recommendation of DPC.

8. Except the submission of respondents that there was no post, there is no any other submission by the side of respondents. The learned counsel for applicant has pointed out that those who were juniors to the applicant namely Shri Gainar, Shri Kapde and others were granted promotion, but the applicant was not granted the same.

9. In respect of wrong committed by the respondents by showing the caste of applicant OBC category is not denied. The applicant was wrongly shown in OBC category. There is no dispute that his category was corrected as per the direction of the Hon'ble High Court. Thereafter, the applicant was shown in the category of N.T. (C). There is nothing on record to show that the recommendation of DPC is /was wrong. It was expected from the respondents to comply the direction of DPC. Hence, the following order -

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to grant deemed date of promotion from 03/04/2007, i.e., from the date of recommendation of DPC to the applicant and pay all consequential benefits.

(iii) No order as to costs.

Dated :- 24/02/2025.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 24/02/2025.