

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.518 of 2023 (S.B.)**

Mangesh S/o Appaji Wavdhane,
Aged 55 years, Occ: Service,
R/o Deori, District Gondia.

Applicant.

Versus

1) State of Maharashtra,
through its secretary, Department of Agriculture,
Mantralaya, Mumbai-32.

2) The Commissioner of Agriculture (M.S.),
Central Building, Pune

Respondents.

S/Shri D.M. Kakani, G.K. Bhusari, Advocates for the applicant.

Shri M.I. Khan, learned P.O. for respondents.

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

Dated :- 03/03/2025.

JUDGMENT

Heard Shri D.M. Kakani, learned counsel for applicant and
Shri M.I. Khan, learned P.O. for respondents.

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

The applicant was promoted on the post of Agriculture Officer, Grade-I in 2020, though he was eligible to get promotion to the post of Agriculture Officer, Grade-I on 31/12/2012 along with his juniors. But under the pretext of inquiry, the applicant was denied the

promotional post. Hence, the applicant had filed the O.A. No.111/2013 before this Tribunal. This Tribunal has directed the respondents to consider the claim of applicant for deemed date of promotion. Even though, the respondent has not considered the claim of applicant. Hence, applicant has approached to this Tribunal for the following reliefs –

“ (7) (i) Direct the Respondents to grant the deemed date of promotion to the Applicant as 31.12.2012 on the post of Agriculture Officer Grade-A (Senior) from the date on which his junior Shri Pandhari Natthuji Dakhale has been given promotion with all consequential benefits;

(ii) Direct the Respondents to consider the case of the Applicant for promotion immediately along with his juniors, whose service details have been called for considering the cases for promotion in the cadre of pay band S-23, in coming Departmental Promotion Committee meeting in the interest of justice;

(8) Direct the Respondents to grant the deemed date of promotion to the Applicant as 31.12.2012 on the post of Agriculture Officer Grade-A (Senior) from the date on which his junior Shri Pandhari Natthuji Dakhale has been given promotion with all consequential benefits and consider the case of the Applicant in the Departmental Promotion Committee meeting during the pendency of the original application.”

3. In reply most of the contention of applicant is admitted by the respondents. In para-12,13,14 & 17 of reply, it is submitted that one of junior namely Shri Pandhari Dakhale was given promotion on 31/12/2012. The name of applicant is forwarded to respondent no.1

for granting deemed date of promotion as per letter dated 28/11/2022. Respondent no.1 has not taken any decision. Hence, the O.A. is liable to be dismissed. Para nos.12,13,14 and 17 of the reply are reproduced below –

“12. It is submitted that, as mentioned above all 3 punishment Orders given in the three Departmental Enquiries has been cancelled. Thereafter Applicant filed Original Application No.111/2013 before the Hon'ble Maharashtra Administrative Tribunal, Mumbai Bench, Nagpur, regarding giving him promotion to the cadre of Deputy Director of Agriculture, Group- A. In this regard, Hon'ble Maharashtra Administrative Tribunal, Nagpur vide their Order dated 12/01/2018, directed Respondent No.1 to consider the Applicant for promotion to the above mention post in the next meeting of Departmental Promotion Committee.

13. It is submitted that accordingly Commissioner of Agriculture, Pune has submitted a proposal of promotion of the Applicant for the post of Maharashtra Agriculture Services, Deputy Director, Group-A by circulation. In this regard, Departmental promotion Committee has recommended the Applicant for promotion on the post of Deputy Director of Agriculture, Group A. Accordingly Applicant was promoted to the post of Deputy Director of Agriculture, Group-A vide Government Order dated 28/04/2020.

14. It is further submitted that, as per the seniority list as on 01.01.2003, the present applicant was shown at serial no. 1337 whereas Shri Pandhari Natthuji Dakhale was shown at serial no. 1338. Shri.Pandhari Natthuji Dakhale has been promoted to the post of Maharashtra Agricultural Services, Deputy Director of Agriculture, Group-A Cadre vide Government Order dated 31/12/2012 on Adhoc

basis in the select list for the year 2011-2012. The Copy of the said order dated 31/12/2012 is annexed herewith as Annexure R-2.

17. It is submitted that, the office of the respondent no. 2 had submitted a proposal for giving deemed date of promotion of Mr. Dakhale to the Applicant vide their letter dated 28.11.2022 to Respondent no.1. The said proposal is under consideration of the Respondent no. 1. The Respondent no.1 had called additional information as to whether Shri Pandhari Natthuji Dakhale comes under regular quota of Promotion or not. The said information is still awaited from the office of the Respondent No.2. It is assured that, immediate action will be taken regarding the said proposal.”

4. There is no dispute that Shri Pandhari Dakhale was junior to the applicant. In para-14, of the reply it is submitted that name of Shri Pandhari Dakhale was at sr.no.1338 and name of applicant was at Sr.no. 1337 in the seniority list. Whatever the punishment awarded in the departmental inquiry was cancelled by this Tribunal and therefore the respondents cannot say that the applicant is not entitled to get promotion. On the other hand, para-17 of the reply shows that the name of applicant is forwarded to respondent no.1 for grant of deemed date of promotion. Reply itself shows that the applicant is senior to Shri Pandhari Dakhale, but he was not granted promotion. The applicant is entitled to get deemed date of promotion w.e.f. from the date on which his junior Shri Pandhari Dakhale was promoted. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to grant deemed date of promotion to the applicant w.e.f. the date on which his junior Shri Pandhari Dakhale was promoted i.e. from 31/12/2012.

(iii) The respondents are directed to pay all consequential benefits to the applicant within a period of four months from the date of receipt of this order.

(iv) No order as to costs.

Dated :- 03/03/2025.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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 : 03/03/2025.

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