

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO. 48 OF 2025

DIST. : AURANGABAD

Raosaheb S/o Bajirao Jangle,)
 Age 55 years, Occ. Service as Special Auditor,))
 Class-I, Headquarter, Pune,)
 R/o Plot No. 37, Mhasoba Nagar,)
 Harsool Parisar, Chhatrapati Sambhajnagar)
 District - Chhatrapati Sambhajnagar.).. **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
 Through its Additional Chief Secretary,)
 (Co-operation & Marketing), Co-operation,)
 Marketing and Textile Department,)
 Government of Maharashtra, 3rd Floor,)
 Annexe Building, Mantralaya,)
 Mumbai – 400 032.)
2. **The Commissioner for Co-operation)**
and Registrar, Co-operative Societies,)
 Maharashtra State, Central Building,)
 B.J. Road, Pune – 411 001.).. **RESPONDENTS**

 APPEARANCE :- Shri V.B. Wagh, learned counsel for the
 applicant.

: Shri Mahesh B. Bharaswadkar, learned
 Chief Presenting Officer for the
 respondent authorities.

CORAM : Hon'ble Shri Justice V.K. Jadhav,
Vice Chariman
AND
Hon'ble Shri Vinay Kargaonkar,
Member (A)

DATE : 12.03.2025

ORAL - ORDER

(Per : Justice V.K. Jadhav, Vice Chairman)

1. Heard Shri V.B. Wagh, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities.
2. The matter is finally heard with consent of both the sides at the admission stage.
3. The applicant was initially appointed and joined on the post of Special Auditor, Class-II on 24.05.1995 and he came to be promoted and joined on the post of Special Auditor, Class-I on 10.03.2003. On 06.08.2020, one Crime came to be registered against the applicant under the provisions of Prevention of Corruption Act and a special case bearing No. 206/2021 is pending before the Additional Sessions & District Judge at Jalgaon at present. On 18.02.2022, a Memorandum was issued in the name of applicant for conducting the departmental enquiry. However, the interim relief has been granted in Original Application No. 643/2022 vide order dated 16.01.2023 thereby directing the respondents therein to defer the departmental enquiry until further orders. The said Original Application is still pending.

4. It is the part of record that the meeting of the Departmental Promotion Committee (for short D.P.C.) was held on 25.03.2022 and the name of the applicant was kept in a sealed cover envelope. Even on 14.08.2024, the D.P.C. meeting was held and the same procedure was continued as against the applicant by keeping his name in the sealed cover envelope. The applicant is required to be considered for promotion to the post of Joint Registrar (Audit), Co-operative Societies.

5. By filing this Original Application, the applicant is seeking directions to the respondent authorities to open the sealed cover envelope in terms of G.R. dated 15.12.2017 particularly in terms of clause no. 9 thereof and to promote the applicant to the post of Joint Registrar (Audit), Group-A, Co-operative Societies.

6. The learned counsel for the applicant submits that no decision has been taken in respect of promotion of the applicant and only it is referred in the D.P.C. meetings held so far that the proposal in respect of promotion of the applicant is kept in a sealed cover envelope. The learned counsel further submits that the G.R. dated 15.12.2017 particularly clause 9 has not been followed at all. In terms of clause 9, it is

incumbent upon the Department to review the said order and to take a conscious decision about granting of ad-hoc promotion to an employee.

7. The learned Chief Presenting Officer submits that the applicant does not fulfill the criteria of promotion, since the departmental enquiry is pending against him.

8. It appears that in the year 2022, the applicant fallen in the zone of consideration for to be considered for his next promotion. However, in the D.P.C. meeting held on 25.03.2022, the sealed cover procedure was made applicable to the promotion case of the applicant in terms of the provisions of G.R. dated 15.12.2017. Even though at the time of meting of second D.P.C., which was held on 14.08.2024, the period of 02 years was over, the same sealed cover procedure was continued to the extent of applicant without following the provisions of clause 9 of G.R. dated 15.12.2017.

9. In the similar circumstances, in **O.A. No. 671/2024 (Asaram Baburao Satonkar Vs. The State of Maharashtra & Ors.)** by order dated 27.02.2025 we have given directions to the respondents therein to consider the case of the applicant therein for promotion in terms of provisions of clause 9 of G.R.

dated 15.12.2017. We find no reason to deny this relief to the applicant herein, since no decision has been taken in terms of clause 9 of the said G.R. dated 15.12.2017 in respect of promotion of the applicant from the year 2022. Hence, the following order:-

ORDER

- (i) The Original Application No. 48/2025 is hereby partly allowed.
- (ii) We direct the respondents to hold a meeting of the Departmental Promotion Committee for taking a review of the case of the applicant for promotion in terms of clause 9 of G.R. dated 15.12.2017.
- (iii) We further direct the respondents that the said decision shall be taken within 03 months from receipt of this order.
- (iv) There shall be no order as to costs.
- (v) The Original Application is accordingly disposed of.

MEMBER (A)

VICE CHAIRMAN

Place : Aurangabad

Date : 12.03.2025