

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.1221/2023 (S.B.)**

**Shri Sachin Vithoba Sadafale,**  
Aged about:38 Years, Occupation: Service,  
Res/Post: Babhulgaon,  
Dist: Yavatmal - 445101.

... **APPLICANT**

**// V E R S U S //**

- 1] **The Secretary, Forest,**  
State of Maharashtra,  
Through the Ministry of Forest,  
Mantralaya, Mumbai.
- 2] **Chief Conservator of Forest,**  
Division Office: Amravati,  
Amravati Circle, Amravati-444602.
3. **Principal Chief Conservator of Forest,**  
(HOFF)), Van Bhavan, Ramgiri Road,  
State of Maharashtra, Civil Lines,  
Nagpur-440001.

... **RESPONDENTS**

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**Shri M.K. Mishra, Learned counsel for the Applicant.**

**Shri M.I. Khan, Learned P.O. for the Respondents.**

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

**Dated :- 18/03/2025.**

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**J U D G M E N T**

Heard Shri M.K. Mishra, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

Applicant was appointed as Forest Guard under the Physically Handicapped quota. He was posted under the Deputy Conservator of Forest, Harisal Area, Gugamal Wildlife, Melghat Tiger Project, Paratwada, by following all the due procedure of law, as per the appointment order dated 04/05/2007. As per the G.R. dated 25/02/2005, applicant was due for promotion in the year 2010 on the post of Forester i.e. after three years of appointment. Applicant was eligible for promotion on the post of Forester, in the year 2010, but he was not granted promotion. Therefore, applicant made complaint to Commissionerate for Persons with Disabilities, Maharashtra State, Pune on 29/09/2014. The said complaint was decided on 02/07/2015. After the order passed by Commissionerate for Persons with Disabilities, the respondents have promoted the applicant as Forester on 24/05/2015.

3. It is submitted that, in fact, applicant was entitled for promotion in the year 2010 itself, but he was not promoted. Similarly situated employees were granted promotion. Hence, applicant approached to this Tribunal for the following reliefs:-

*“8.1) To direct the respondents to grant deemed date promotion to the applicant who was entitled for promotion, from 05.05.2010 for the post of Vanpal, (Forester), by considering the GRs, and representations of the applicant, in view of the facts and circumstances and settled position of law and also in the interest of justice, and also to grant all consequential benefit from 05.05.2010,*

*2) To grant deemed date promotion to the applicants from 05.05.2010 for the post of Vanpal (Forester) in view of settled provisions of law,*

*3) To grant all consequential benefits to the applicant from the deemed date of promotion i.e. 05.05.2010, till the date of realization of the amount,*

*4) To grant any other relief this hon'ble tribunal deems fit in the facts and circumstances and in the interest of justice.”*

4. O.A. is strongly opposed by the Respondents. It is submitted that applicant had not completed training which is mandatory. Therefore, promotion was not granted to the applicant. Hence, the O.A. is liable to be dismissed.

5. During the course of submission, learned counsel for applicant Shri Mishra has pointed out the letter dated 12/06/2023. As per this letter Ku. Asha Dongare, Shri Pranay Ganvir, Shri Mahendra Koli and Shri Pravin Sonwane, all Forest Guards who were appointed in Nagpur quota were exempted from training. Applicant was also appointed in Nagpur quota. Therefore, he is also entitled for exemption from training. Similarly situated employees like Mr. Arvind Katkar approached to the Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No.2635/2013, decided on 10/04/2013. As per the Circular dated 25/02/2005, promotion is to be granted after completion of three years of service. This circular was issued by the Government in respect of Forest Department. Mr. Arvind Katkar who was similarly situated employee like the applicant, was granted deemed date of promotion w.e.f. 11/05/2010. Applicant is also claiming the same relief.

6. Learned counsel for applicant has pointed out the Judgment of the Principal Bench of the Maharashtra Administrative Tribunal, Bench at Mumbai in O.A. No. 1148/2016. The Principal Bench of the Maharashtra

Administrative Tribunal has directed the respondent to grant deemed date of promotion to the applicant w.e.f. 11/05/2010, as given to Shri Arvind M. Katkar.

7. Learned counsel for applicant has submitted that applicant is similarly situated employee as like Shri Vidyadhar Kashinath Gandhile in O.A. No. 1148/2016 and Arvind M. Katkar. As per the Circular dated 12/06/2023, Forest Guards who were appointed in Nagpur quota are exempted from training. Applicant was also appointed in Nagpur quota, therefore, he is also entitled for exemption. The respondents have not granted promotion on the ground that he has not completed training. The respondents have submitted that the promotion of applicant is under consideration of the Respondent-Authority. Therefore, it is clear that respondents have not denied the deemed date of promotion to be granted. Applicant is already promoted, after the order passed by Commissionerate for Persons with Disabilities, Maharashtra State, Pune w.e.f. 02/07/2015. Applicant is claiming deemed date of promotion w.e.f. 05/05/2010. Applicant have pointed out the similarly situated employee like Mr. Arvind Katkar and others who were granted deemed date of promotion w.e.f. 11/05/2010.

Hence, applicant is entitled for deemed date of promotion w.e.f. 11/05/2010. Therefore, the following order is passed:-

**O R D E R**

- (i) O.A. is allowed;
- (ii) The respondents are directed to grant deemed date of promotion w.e.f. 11/05/2010 to the applicant;
- (iii) The respondents are directed to make all consequential benefits to the applicant;
- (iv) No order as to costs.

**(Justice M.G.Giratkar)**

**Vice Chairman.**

**Dated :-18/03/2025.**  
**PRM.**

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

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 18/03/2025.