

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO. 369/ 2024 (D.B)

1. Sandeep Baburao Gajbhiye
Aged 32 yrs., Occ.-Service
R/o. Vill. Lonara, Post- Gumthi
Tah. Dist. Nagpur
Mob. 8625993329
2. Rajesh Rambhau Somankar
Age 33 yrs., Occ.- Service
R/o. Plot No. 204, Manorat
Apartment Madhav Nagari,
Hingna Road, Nagpur.
Mob. 9890354867
3. Vishnu Eknath Ingloe
Age 30 yrs., Occ.- Service
R/o. S.R.P.F. Comp Visora, Tah. Wadsa
(Desaiganj), Dist. Gadchiroli,
Pin-441207
4. Narvin Prakash Jadhav
Age 31 yrs., Occ.- Service
R/o. S.R.P.F. Camp Visora, Tah. Wadsa
(Desaiganj), Dist. Gadchiroli-Pin-441207
5. Ganesh M. Thawre
Age 33 yrs, Occ.- Service
R/o. S.R.P.F. Camp Visora,
Tah. Wadsa (Desaiganj)
Dist. Gadchiroli, Pin-441207
6. Amol Ashok Gai
R/o. Visora, Tah. Wadsa (Desaiganj)
Dist. Gadchiroli Pin-441207
7. Rupesh Vasantryao Dewbale
R/o. S.R.P.F. Camp Visora, Tah. Wadsa (Desaiganj)
Dist. Gadchiroli-Pin 441207

8. Khemraj Arun Nanhe
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli
9. Rajesh Suresh Shende
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli -441207
10. Janardhan Bhagvan Nangalwade
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli – 441207
11. Santosh Sudhakar Jadhav
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli 441207
12. Umakant Manohar Vyahadkar
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli
13. Jitlal Tulshiram Hichami
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
14. Amit Sanjay Wargantiwar
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli
15. Mahesh Mhashakhatri
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli 441207
16. Gajanan D. Wagh
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli
17. Naresh Premal Bilone
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli
18. Sujeet Niranjana Wankhede
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207

19. Suriram Tukaram Chauphade
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli
20. Avinash Manik Chavan
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
21. Nilesh Daberao Shirbhate
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
22. Parmeshwar Ramdas Khandalkar
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
23. Atul Suresh Katore
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
24. Atul Shankar Meshram
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
25. Prakash Pandurang Charde
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli
26. Ram Mohan Pendam
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
27. Dhiraj Dayaram Balkhede
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
28. Arjun Ganesh Rathod
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207

29. Iqbal Riyad Sayyad
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
30. Komal Ramesh Thote
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207
31. Nitin Mangilal Rathod
R/o. SRPF Camp Visora Wadsa (Desaiganj)
Dist. Gadchiroli-441207

....**Applicants**

Versus

1. The State of Maharashtra
Through its Secretary Home Department
Mantralaya Mumbai-400032
2. The commandant, State Reserve Police
Force Gr. 13 Visora Desaiganj,
Dist. Gadchiroli-441207
3. The Adl. Director General of Police
State Reserve Police Campus Area
SRPF, Gr 8 Goregaon, Mumbai.
4. The Director General of Police Maharashtra
State Shahid Bhagat Singh Marg Kulaba,
Mumbai-40003

...**Respondents**

Shri. D.S. Sawarkar, Advocate for the Applicant.

Shri A.P. Potnis, P.O. for the respondents.

**Coram :- Hon'ble Shri Justice Vinay Joshi, Member (J) &
Hon'ble Shri Nitin Gadre, Member (A)**

Dated :- 28.03.2025.

JUDGEMENT

Heard D.S. Sawarkar, learned counsel for the applicants and Shri A.P. Potnis, learned P.O. for the respondents.

2. The applicants have been appointed on the establishment of Commandant SRPF GR-13 at Gadchiroli District in recruitment process held in the year 2014. The applicants have joined on different dates. It is applicants' contention that seniority list prepared on 01.01.2023 is erroneous since it was prepared as per merit and not as per date of joining. The applicants are not sure whether seniority list was prepared prior to year 2024. The applicants have attracted out attention to the Maharashtra Civil Services (Regularization of Seniority) Rules 1982, to contain that the seniority ought to have been fixed as per date of joining. In this regard, they have attracted our attention to Rule 5 of the Rule 1982.

3. The State resisted the contention by submitting that seniority list was rightly prepared in consonance with prevailing rules. In particular it is stated that as per rule 4 (2) (a) of the Rules of 1982, if the person is appointed directly in the same

batch, then seniority shall be as per determination of selection board.

4. We have gone through Rule 4(2) of the Rule 1982 which reads as below.

2) Notwithstanding anything contained in sub-rule (1),-

(a) the inter se seniority of direct recruits selected in one batch for appointment to any post, cadre or service, shall be determined according to their ranks in the order of preference arranged by the Commission, Selection Board or in the case of recruitment by nomination directly made by the competent authority, the said authority, as the case may be, if the appointment is taken up by the person recruited within thirty days from the date of issue of the order of appointment or within such extended period as the competent authority may in its discretion allow;

5. Rule 4 pertains to general principal of Seniority. Sub clause (a) of clause 2 postulates as to how seniority of direct recruits selected in one batch shall be maintained. It is specified that such seniority shall be determine according to their marks in order of preference arrange by the commission and/ or selection board provided, they have been join within stipulated period or extended period. The rule is crystal clear stating about fixing of seniority as per merit. The applicants have relied on Sub clause 2

of the Rule 5 which pertain to assignment of deemed date of appointment. In the matter in hand there is no question of deemed date as all the applicants have join in the year 2014 in the same recruitment process. Thus, the contention raised by the applicants that the seniority shall be as per date of joining is not acceptable. Though the applicant placed reliance on the decision of the Hon'ble Supreme Court in Case of **S.D.K.PURI VS. R.S. BHATIA & ANO. IN CIVIL APPEAL NO. 188/1983** it has no bearing on the issue involved since we are dealing the case of direct recruits by following recruitment process. In view of above the application carries no merit hence **dismissed**.

Member (A)
kds.

Member (J)

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

Name of Steno : Krushna Dilip Singadkar

Court Name : Court of Hon'ble Member (J) & Member (A).

Judgment signed on : 28/03/2025