

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.81/2020**

**DISTRICT :- OSMANABAD**

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Sudarshan s/o. Namdev Shinde  
Age : 37 years, Occ. Co-operative Officer  
Grade-II, R/o. C/o. Vijay Kulkarni,  
Near Swami Hospital,  
Barshi Road, Osmanabad.

**...APPLICANT**

**V E R S U S**

1. The State of Maharashtra,  
Through Secretary,  
Co-operative Department,  
Government of Maharashtra,  
Mantralaya, Mumbai – 32.
2. Commissioner,  
Co-operation, Maharashtra State,  
Central Administrative Building,  
II Floor, Pune-411001.
3. Divisional Joint Registrar,  
Co-operative Society,  
Central Administrative Building,  
2<sup>nd</sup> Floor, Shivaji Chowk, Latur.
4. District Registrar,  
Co-operative, Room No.23, 1<sup>st</sup> Floor,  
Central Administrative Building,  
Osmanabad.
5. S.L.Ahinwar,  
Age : Major, Occ : Service,  
Co-operative Officer Grade-I,  
Assistant Registrar, Co-operative Society,  
Devani, Dist. Latur.
6. A.G.Ghogare,  
Age : Major, Occ : Service,  
R/o. O/o. District Dy. Registrar,  
Co-operative Societies,  
Prashaskiya Emarat, Nanded.

**...RESPONDENTS**

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APPEARANCE : Shri S.B.Solanke, Counsel for  
applicant.  
: Shri V.G.Pingle, Presenting Officer  
for respondents.  
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**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN  
AND  
SHRI VINAY KARGAONKAR, MEMBER (A)**  
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**Date : 24-07-2024**  
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**ORAL ORDER**

1. Heard Shri S.B.Solanke, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Applicant was appointed as Co-operative Officer Grade-II (Group-C) on 20-10-2010. It is the grievance of the applicant that in the seniority list he has been placed below his junior officers and the seniority list has not been correctly prepared.

3. As contended in the order of appointment the applicant was under an obligation to pass the GDC & A and the departmental examination within two years from the date of his appointment. Since the applicant did not pass the departmental examination within the given period and ultimately passed the same in 2017, he was placed in the

seniority below the candidates who have passed the departmental examination prior to him.

4. In the O.A. it was his contention that the rules which are made applicable cannot be applied for the post which the applicant is holding. However, in the appointment order these conditions are specifically mentioned and the applicant has never raised any objection in regard to the said conditions and accepted the order of appointment with all those conditions. In the circumstances, it is not open for the applicant to say that the said criteria cannot be applied in his case. It is not the contention of the applicant that any candidate who has passed the departmental examination after him or the period subsequent to his passing the examination is placed above him. In the circumstances, we see no reason for causing interference in the seniority list prepared by the department.

5. At this juncture, learned Counsel pointed out that, the applicant has also made representation with the respondent authorities to condone the delay which has occurred in passing the departmental examination. It will be open for the applicant to pursue representation which

he has submitted to the respondent authorities. Respondent authorities are not precluded from taking decision on the representation made by the applicant on its own merit and as per rules.

6. In view of above, the O.A. stands dismissed without any order as to costs.

**(VINAY KARGAONKAR)**  
**MEMBER (A)**

**(P.R.BORA)**  
**VICE CHAIRMAN**

**Place : Aurangabad**  
**Date : 24-07-2024.**

2024\db\YUK O.A.NO.81.2020 PRB