

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No.207 of 2024 (D.B.)**

- (1) Vaibhav Gulabrao Khairkar,  
Aged about 36 years,  
Occupation: Supply Inspector,  
R/o Ratan Nagar, Nagpur.
- (2) Pravin Balkrushna Wadhai,  
Aged about 35 years, Occupation: Supply Inspector,  
R/o Nehru Nagar, Sakardara, Nagpur.
- (3) Vivek S/o Shivaji Jamdhade,  
Aged about 35 years,  
Occupation: Supply Inspector,  
R/o C/o Food Distribution Office, Civil Lines, Nagpur.
- (4) Sagar Suresh Wavare,  
Aged about 36 years,  
Occupation: Supply Inspector,  
R/o C/o Food Distribution Office, Bhandara, Distt. Bhandara.

**Applicants.**

**Versus**

The State of Maharashtra,  
through its Secretary,  
Food, Civil Supply and Consumer Protection Department,  
Mantralaya, Mumbai-32.

**Respondent.**

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**Shri A.D. Girdekar, Advocate for the applicants.**  
**Smt.Sweta Khobragade, learned P.O. for respondent.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar, Vice Chairman and  
Hon'ble Shri Nitin Gadre, Member (A).**

**Dated :- 19/08/2024.**

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

Heard Shri A.D. Girdekar, learned counsel for the  
applicants and Smt. Sweta Khobragade, learned P.O. for the  
respondent.

2. As per the submission of learned counsel for the applicants similar issue is decided by this Tribunal in O.A.No.533/2024.

3. By consent of learned counsel for both the sides the matter is heard and decided finally.

4. The case of the applicants in short is as under –

The applicant no.1 belongs to the Other Backward category. He was selected for the post of Supply Inspector from Open category. He was appointed on 27/09/2017. His name is at Sr.No.39 as per the seniority list dated 11/04/2023. The applicant no.2 belongs to Open category. He was appointed on the post of Supply Inspector on 06/11/2018. He is at Sr.No.156 as per seniority list dated 11/04/2023. The applicant no.3 belongs to Open category. He was appointed on the post of Supply Inspector on 04/10/2017. He is at Sr.No.75 as per the seniority list dated 11/04/2023. The applicant no.4 belongs to O.B.C. category and he was appointed on 02/11/2016. His name is at Sr.No.14 as per seniority list dated 11/04/2023.

5. It is submitted that the respondent / State Government by Notification dated 27/03/2023 issued the new recruitment rules of Food, Civil Supply and Consumer Protection Department. As per said Notification, the posts of Inspecting Officer (Supply) are Group-B

Gazetted post. It is a state cadre post. The feeder cadre for the Inspecting Officer (Supply) is from the Supply Inspector Post. The copy of Notification dated 27/03/2023 is filed on record at Annex-A-1.

6. It is submitted that in pursuant to the Notification dated 27/03/2023, the respondent had published the seniority list dated 11/04/2023 for the post of Supply Inspector (Group-C). As per the position on 28/03/2023 at State level wherein the applicants are at Sr.No.39,156,75 and 14 respectively. It is submitted that the Deputy Commissioner of Supply has submitted the report of Supply Inspectors who have completed three years of service along with their C.Rs. to the State Government. It is further submitted that the D.P.C. meeting was conducted regarding the promotion to the post of Inspecting Officer (Supply). The meeting of Civil Services Board was also conducted for promotion to the post of Inspecting Officer from the Supply Inspector cadre. The promotion orders of the applicants to the post of Inspecting Officer are not issued.

7. It is submitted that the respondent / State has issued the promotion order in favour of one Ramesh L. Gaikwad who is at Sr.No.27 in the seniority list dated 11/04/2023 and posted him on the post of Inspecting Officer (Supply), Tahsil Office, Nashik by order dated 17/01/2024. The respondent / State has also promoted one Pranjal H. Patil who is at Sr.No.29 in the seniority list dated

11/04/2023. It is submitted that the G.A.D. has approved the promotion list of 203 candidates as per their seniority for the post of Inspecting Officer (Supply).

8. It is submitted that the applicants' names are in 203 candidates list, but they are not promoted. Hence, the applicants approached to this Tribunal for the following reliefs –

*“(7) (i) hold and declare that the inaction on the part of respondent for not issuing the promotion orders in favour of the applicants on the post Inspecting Officer (Supply) Group-B Gazetted is per se illegal, arbitrary and unjust;*

*(ii) direct the respondents to forthwith issue the promotion order in favour of the applicants on the post Inspecting Officer (Supply) Group-B Gazetted and to direct the respondent to grant all the consequential service benefits such as arrears of pay and seniority;*

*(8)( i) during the pendency of present application, direct the respondents to forthwith issue the promotion order in favour of the applicants on the post Inspecting Officer (Supply) Group-B Gazetted;*

*ii) grant ad-interim relief in terms of prayer clause (i);*

9. The reply is filed by the respondents. They have denied the contention of the applicants. It is submitted that the applicants have no legal right for promotion. The issue in respect of grant of promotion of 203 candidates will be decided by the respondents. Hence, the O.A. is liable to be dismissed.

10. During the course of submission, the learned counsel for applicants has pointed out the Judgment of this Tribunal in O.A.No. 533/2024, decided on 09/08/2024. There is no dispute that the G.A.D. has approved the promotion list of 203 candidates from the post of Supply Inspector to the post of Inspecting Officer (Supply). The respondent / State has promoted one Ramesh L. Gaikwad and Pranjal H. Patil. They are juniors to one of the applicants namely Sagar Suresh Wavare. The name of applicant no.4, Sagar Suresh Wavare is at Sr.No.14, whereas, the name of Pranjal H. Patil is at Sr.No.29 and the name of Ramesh L. Gaikwad is at Sr.No.27. Without considering the seniority, the respondent / State has issued promotion order in favour of Ramesh L. Gaikwad and Pranjal H. Patil.

11. In fact, the respondent / State is expected to treat the similarly situated employees in the similar manners. The Government itself has issued the G.R. dated 28/02/2017 after the Judgment of the Hon'ble Supreme Court in the case of **State of Uttar Pradesh & Ors Vs. Arvind Kumar Srivastava** reported in **2015 (1) SCC 347**. The Circular / G.R. dated 28/02/2017 is reproduced below –

**“CIRCULAR**

*1. The Hon'ble Maharashtra Administrative Tribunal, Mumbai, vide order dated 14.12.2016 in O.A. Nos. 59, 61 and 90 of 2016, has expressed displeasure over rejection of the claim of the applicants therein, for grant of Time Bound Promotion on the ground that the applicants had declined to*

*accept temporary promotions, though in similar matters Hon'ble Tribunal has allowed the OAs and order of the Tribunal has attained finality.*

*2. The Hon'ble Tribunal, in Para 8 of aforesaid Judgment, has observed as under:-*

*"If a principle of general applicability is capable of being culled out from a particular pronouncement of this Tribunal, then similarly placed employees, though not before the Tribunal should be given the benefit thereof without actually moving this Tribunal for relief. If on the other hand, the relief is person specific, then of course, this direction will not apply."*

*Therefore, the Hon'ble Tribunal has directed the undersigned to inform all the concerned departments regarding applicability of general judicial principle as explained in Para 8 of the aforesaid Judgment.*

*3. The Hon'ble Supreme Court in the case of **State of Uttar Pradesh & Ors Vs. Arvind Kumar Srivastava** reported in **2015 (1) SCC 347** has laid down similar principle, thus:*

*"Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently".*

*4. In view of the above, all the departments are hereby directed to take action according to the above directions given by the Hon'ble Maharashtra Administrative Tribunal, reiterating the legal position expounded by the Hon'ble Supreme Court.*

5. *The aforesaid directions be also brought to the notice of the offices under the administrative control of the departments."*

12. This Tribunal in O.A.No.533/2024 has directed the respondents to promote the applicants and other similarly situated eligible candidates who were recommended by the D.P.C. and the names of 203 candidates approved by the G.A.D. within a stipulated period as per the conditions laid down in clause no.1.10 of the G.R. dated 01/08/2019.

13. The Government has issued the G.R. dated 01/08/2019. The time limit is 31/08/2024. As per the submission of learned counsel for applicants, if the applicants are not promoted before 31/08/2024, then list will lapse as per the G.R. dated 01/08/2019. The material portion of the G.R. dated 01/08/2019 in respect of Clause 1.10 is reproduced below –

*" 1.10 निवडसूचीची वैधता :- ज्या निवडसूचीस शासनाची मान्यता आवश्यक आहे, त्या प्रकरणात निवडसूचीस शासनाची मान्यता मिळाल्याच्या तारखेपासून १ वर्ष किंवा पुढील निवडसूची वर्षासाठी समितीने निवडसूचीची शिफारस करणे यापैकी जे आधी घडेल त्या कालावधीसाठी संबंधित निवडसूची वैध असेल. तथापि, निवडसूचीला शासनाची मान्यता आवश्यक नाही अशा उर्वरित प्रकरणात विभागीय पदोन्नती समितीची बैठक झाल्याच्या तारखेपासून १ वर्षाकरीता किंवा पुढील निवडसूची वर्षासाठी समितीने निवडसूचीची शिफारस करणे यापैकी जे आधी घडेल त्या कालावधीसाठी संबंधित निवडसूची वैध असेल ."*

14. Looking to the submission, the applicants are also in the list of 203 candidates which list was approved by the G.A.D. and the

promotion order is to be issued as per the deadline given in the G.R. dated 01/08/2019. Hence, we proceed to pass the following order –

**ORDER**

(i) O.A. is allowed.

(ii) The respondent / State is directed to promote, the applicants and other similarly situated eligible candidates who were recommended by the D.P.C. and the names of 203 candidates approved by the G.A.D., within a stipulated period as per the conditions laid down in clause no.1.10 of the G.R. dated 01/08/2019 i.e. during the validity period of the select list.

(iii) No order as to costs.

**(Nitin Gadre)**  
**Member(A).**

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

**Dated** :- 19/08/2024.

dnk.



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 and  
Member (A).

Judgment signed on : 19/08/2024.