

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**MUMBAI**  
**ORIGINAL APPLICATION NO.945 OF 2024**

**DISTRICT : PUNE**

Shri Deepak Maruti Akade, )  
Age 47 years, Tahsildar, Collector Office, Pune )  
R/at Kesar Harmony, Utsav Chowk, CISF Road, )  
Sector 6, Kharghar, Panvel 410210 )..Applicant

Versus

1. State of Maharashtra, )  
Through Additional Chief Secretary, )  
General Administration Department, )  
Mantralaya, Mumbai 400032 )
2. Additional Chief Secretary, )  
Revenue & Forest Department, )  
Mantralaya, Mumbai 400032 )..Respondents

Smt. Punam Mahajan – Advocate for the Applicant

Ms. S.P. Manchekar – Chief Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson  
Shri Debashish Chakrabarty, Member (J)

DATE : 7<sup>th</sup> August, 2024

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

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant who is working as Tahsildar, Pune prays that he should have been promoted to the post of Deputy Collector.

3. Ld. Advocate for the applicant states that DPC was held on 3.3.2023 and case of the applicant was kept in sealed cover as criminal case was pending against him. Promotion orders were issued on 20.4.2023. On 11.10.2023 the applicant was discharged in Sessions Case No.605/2021 by the Special Court. He was exonerated in the DE on 11.1.2024.

4. We have already dealt with this issue in the case of Shri Nitin R. Garje Vs. State of Maharashtra & Anr. decided by the judgment and order dated 29.9.2022 passed by this Tribunal in OA No.752/2022.

5. Ld. CPO however pointed out the order dated 6.12.2023 passed by the Aurangabad Bench of this Tribunal in MA No.496/2023 in OA No.222/2023 Vijay U. Awadhane & Ors. Vs. State of Maharashtra & Ors. and submits that in that OA the applicants have raised the issue of seniority of the post of Tahsildar and the said issue is still pending. However, at the time of hearing of MA No.496/2023 the Ld. CPO at Aurangabad Bench has made the following statement:

*“When the present matter is taken up for consideration, learned Chief Presenting Officer made a statement that the work of finalizing the seniority list is on the verge of its completion and is likely to be*

*completed by the end of this months. Learned CPO further submitted that the orders of promotions are thus not likely to be issued till the next date.”*

6. Ld. CPO submits that as per order of this Tribunal passed in *Nitin R. Garje* (supra) and the case of the applicant being same, the respondents are required to issue orders on the same lines. However, in view of the statement made by the Ld. CPO at Aurangabad and it was accepted by this Tribunal, at present the respondent-State is not issuing any order to any person from the cadre of Tahsildar to the post of Dy. Collector. Ld. CPO further submits that in view of this order, the State apprehends committing contempt, if any order of promotion to the post of Deputy Collector is issued in this matter. She, therefore, seeks directions from this Tribunal and submits to the order of the Court.

7. We appreciate the apprehension raised by the Ld. CPO. However, it is noted that in the DPC was held on 3.3.2023 where the batch of the applicant of Tahsildar for promotion to the post of Dy. Collector was considered. Applicant was found fit but on account of criminal case and DE pending against him the applicant's case was kept in sealed cover. However, as submitted by the Ld. Advocate the applicant was discharged from sessions case on 11.10.2023 by the Special Court. Further applicant is exonerated from DE by order dated 11.1.2024. This position is admitted by the Ld. CPO and therefore only the sealed cover was opened by the State on 28.2.2024 by following clause 12(a) of GR dated 15.12.2017. Today we are informed by the Ld. Advocate for the applicant that 14 juniors of the applicant were promoted in the DPC of 3.3.2023. So it is necessary to consider the case of the applicant as per decision in the DPC of 3.3.2023.

8. The order of the DB of Aurangabad Bench accepting the statement made by Ld. CPO and this stage of Status Quo is maintained by the State was passed on 6.12.2023 i.e. after the date of DPC i.e. 3.3.2023. Therefore, we are of the view that this order of 6.12.2023 which was passed later will not come in the way of the applicant if at all he is given promotion to the post of Dy. Collector by issuing order hereafter and that would not amount to any contempt.

9. However, we make it clear as the issue of seniority of the Tahsildar is raised before the DB of this Tribunal at Aurangabad Bench and the same issue is not clear and is not placed before us, we make it clear that if the seniority of the Tahsildar is going to be effected of the batch of the applicant as he was Tahsildar, then undoubtedly it will be subject to the outcome of that OA. Seniority and promotion of the applicant will be subject to outcome of OA No.222/2023 at Aurangabad Bench.

10. The Original Application is allowed. The Respondents are directed to issue promotion order of the applicant within two weeks from today. No order as to costs.

**Sd-**

**(Debashish Chakrabarty)**  
**Member (J)**  
**7.8.2024**

**Sd-**

**(Mridula Bhatkar, J.)**  
**Chairperson**  
**7.8.2024**

Dictation taken by: S.G. Jawalkar.