

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****REVIEW APPLICATION NO. 14/2023 IN****ORIGINAL APPLICATION NO. 762/2018 (S.B.)**

Sudhakar Kisanrao Raut,  
Aged about 68 years,  
Occ. Retd., R/o M 50/50, Vidarbha Housing Society,  
Bajoria Nagar, Yavatmal,  
Dist. Yavatmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through it's Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai- 400 032.
- 2) The Commissioner,  
Amravati Division, Amravati.
- 3) The Collector, Yavatmal,  
Dist. Yavatmal.

**Respondents**

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**Shri B.Kulkarni, Id. Advocate for the applicant.**

**Shri S.A.Sainis, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGMENT**

**Judgment is reserved on 10<sup>th</sup> April, 2024.**

**Judgment is pronounced on 17<sup>th</sup> April, 2024.**

Heard Shri B.Kulkarni, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. The original applicant seeks review of the judgment and order dated 10.03.2023 passed in O.A. No. 762/2018. In the O.A. the applicant prayed for grant of benefit of Assured Progress Scheme w.e.f. 01.10.1994, by quashing the impugned order which stated:-

आपणास कालबध्द पदोन्नतीबाबतचा लाभ प्रदान करण्याच्या अनुषंगाने घेण्यात आलेल्या निवड पदोन्नती समितीने आपले गोपनीय अहवाल प्रतिकुल असल्यामुळे अपात्र केले असल्याचे दि. 21.12.2017 च्या आदेशात नमुद केले असल्याचे नमुद केले आहे. तसेच दि. 01.09.1997 च्या कालबध्द पदोन्नती समितीच्या बैठकीतील कनिष्ठ लिपीक संवर्गातील यादीचे अवलोकन केले असता त्यांमध्ये आपले सन 1991-92 ब-, 1992-93 क, 1993-94 ब-, 1994-95 ब- व 1995-96 ब- गोपनीय अहवाल प्रतिकुल असल्याचे दिसून येत आहेत.

शासन निर्णय, सामान्य प्रशासन विभाग, क्र.एस.आर.व्ही. 1095/प्र.क्र.1/95/12 मंत्रालय, मुंबई 32 दि.08.06.1995 मधील (ब) मध्ये या योजनेतर्गत वरिष्ठ वेतनश्रेणी मिळण्यासाठी पदोन्नतीसाठी विहित कार्यपद्धती ज्येष्ठता, पात्रता, अर्हता परिक्षा, विभागीय परिक्षा या बाबींची पूर्तता करणे आवश्यक असल्याचे नमुद आहे.

सबब, आपल्या कालबध्द पदोन्नतीबाबतच्या विषयांकित प्रकरणी जिल्हाधिकारी, यवतमाळ यांनी नियमाप्रमाणे कार्यवाही केल्याचे दिसून येते. त्यामुळे आपला अपील अर्ज निकाली काढण्यात येत आहे.

While dismissing the O.A. it was observed:-

*As per Clause (c) of G.R. dated 30.06.2004 (A-R-2) seniority of Non-Scheduled Tribe Employee who has been given protection of service*

*should be reckoned from 15.06.1995. The applicant secured employment by representing that he belonged to S.T. Category but submitted Caste Validity Certificate of S.B.C.. Hence, period of 12 years to grant A.C.P. to him would commence from 15.06.1995 as per G.R. dated 30.06.2004. As per G.R. dated 08.06.1995 (A-R-3), in addition to service of 12 years it is necessary to pass departmental examination and also attain the requisite benchmark so far as A.C.Rs. are concerned. On all these grounds the applicant fell short. In addition, judicial and departmental proceedings were pending against him. Keeping in view his seniority and other criteria including exemption from passing departmental examination, A.C.P. was granted to him by order dated 06.07.2009 w.e.f. 30.04.2009. Thereafter, he was given regular promotion by order dated 21.12.2011, and then deemed date of promotion was given to him w.e.f. 04.01.2008 in the cadre of Senior Clerk as per order dated 27.08.2015 passed by this Tribunal. The other employees named in the O.A. viz R.R.Gedam, R.N.Kinorkar, M.N.Pendorkar and R.M.Godamale etc. were given A.C.P. w.e.f. 01.01.1997 because they satisfied the criteria which the applicant did not. Thus, either of the impugned orders does not suffer from any infirmity.*

3. According to the applicant, the operative part of the order under review could not be reconciled with the prayer made in the O.A., benefit of Assured Progress Scheme was extended to similarly placed employees w.e.f. 01.10.1994, and the benefit ought not to have been denied to him since relevant A.C.Rs. were not communicated to him.

4. Respondents 2 & 3 have opposed this application on the ground that there is no error apparent on the face of the record and hence, the judgment and the order in O.A. No. 762/2018 cannot be reviewed.

5. It is settled position that review lies only on specified grounds. According to the applicant, there is an error apparent on the face of the record in the judgment under review. Error apparent on the face of the record must be such that it can be pin-pointed without elaborate exercise of delving into the record and re-appreciating the same. The grounds on the basis of which the applicant contends that there is an error apparent on the face of the record have been stated above. None of these grounds can be equated with error apparent on the face of the record. Remedy of review cannot be equated with remedy of appeal which enables the appellate forum to re-appreciate the entire material on record. Thus, no case is made out to exercise powers of review. The Review Application is accordingly dismissed with no order as to costs.

**Member (J)**

**Dated :- 17/04/2024**  
aps

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

Name of Steno : Akhilesh Parasnath Srivastava.

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

Judgment signed on : 17/04/2024  
and pronounced on

Uploaded on : 18/04/2024