

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

TRANSFER APPLICATION NO. 01 OF 2014
(WRIT PETITION NO. 2104 OF 2013)

DISTRICT: - JALNA.

Raghunath S/o. Yashwantrao Khotkar,
Age 56 years, Occu. Service,
R/o. Raj Building, SRP Road, Jalna
District Jalna.

.. PETITIONER.

VERSUS

1. The State of Maharashtra,
Through Secretary for Revenue &
Forest Department, Mantralaya,
Mumbai.
2. Principal Chief Conservator of Forest,
Maharashtra State, Van Bhawan,
Ramgiri Road, Civil Lines,
Nagpur-3.
3. Chief Conservator of Forest (Regional),
Aurangabad Region, Van Bhawan,
Osmanpura, Railway Station Road,
Aurangabad

(For respondents copy served on the
Office of Government Pleader, High
Court of Bombay, Bench at
Aurangabad)

4. Shri Gangaram Yashwantrao Sarkate,
Age: 64 years, Occu. Retired,
R/o. Ayodhya Nagar, Opp. Baliram
Patil High School, N-9,
CIDCO, Aurangabad.

- .. RESPONDENTS.

APPEARANCE : Shri S.D. Dhongde – learned Advocate for the Applicant.

: Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 1 to 3.

: None appears for Res. No. 4.

CORAM : Hon’ble Shri Rajiv Agarwal, Vice Chairman (A)

AND

Hon’ble Shri J.D. Kulkarni, Member (J)

DATE : 22ND SEPTEMBER, 2016

O R A L O R D E R

[Per : Hon’ble Shri Rajiv Agarwal, V.C. (A)]

1. Heard Shri S.D. Dhongde – learned Advocate for the Applicant and Shri I.S. Thorat – learned Presenting Officer for respondent Nos. 1 to 3. None appears for respondent No.4.

2. This Transfer Application has been filed by the applicant viz. Raghunath S/o. Yashwantrao Khotkar, who is seeking very limited relief, which reads as follows: -

“12 (A) By issuing appropriate writ, order, direction or any other appropriate order in the nature of writ, the Hon’ble High Court may be

pleased to direct the respondents to effect necessary correction in the seniority list and correct seniority list as per the communication dated 29.10.2009 by respondent No. 2 and advance the necessary benefits with interest to the petitioner within stipulated period.”

3. The applicant states that the respondent No. 2 has directed the respondent No. 3 way back in the year 2009 by letter dated 29.10.2009 to correct the seniority list and the deemed date of promotion given in the post of Accountant and for promotion to the post of Chief Accountant. It appears that the matter is regarding inter-se seniority of the applicant vis-a-vis Shri G.Y. Sarkate, who was given deemed date of promotion to the post of Accountant as 11.6.1984. In the aforesaid letter dated 19.10.2009 from the respondent No. 2, it is mentioned that Shri Sarkate passed necessary departmental examination held on 23rd & 24th June, 1984 and obviously he could not have been given deemed date of promotion to the post of Accountant before passing the necessary departmental examination. Accordingly, respondent No. 3 was directed to correct the seniority list. It appears that

the respondent No. 3 is relying on the minutes of the DPC meeting held on 3rd July, 2012. This committee apparently has not considered the directions given by the respondent No. 2 in the aforesaid letter dated 29.10.2009, from which some extracts have been quoted.

4. As the Applicant is seeking very limited relief and the respondent No. 3 has not explained the reasons for not acting in accordance with the instructions given by the respondent No. 2, this O.A. can be disposed of with the directions to the respondent No. 3 to act in accordance with the directions given to him by letter dated 29.10.2009, which is at Exhibit 'E' at page-50 of paper book. This action should be completed within a period of three months from the date of this order.

5. With the above observations and directions, the present O.A. stands disposed of with no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)