

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 301/2023(S.B.)**

Manohar Laxman Khillari,
Aged about 58 years, Occ. Service,
R/o Nagpur.

Applicant.

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. Divisional Commissioner,
Amravati Division, Amravati.

Respondents.

Shri N.R.Saboo, Ld. Counsel for the applicant.
Shri M.I.Khan, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated: - 10th May, 2024.

JUDGMENT

Heard Shri N.R.Saboo, learned counsel for the applicant
and Shri M.I.Khan, learned P.O. for the Respondents.

2. Case of the applicant in short is as under-

The applicant was promoted on the post of Extension Officer in the year 2010, Group – C. He was working on the post of Extension Officer. Shri W.J.Tayade was junior to the applicant, but he was promoted in the year 2007 before the promotion of the applicant. Shri W.J.Tayade was given promotion on the post of Child Development Project Officer, Group-B on 10.08.2007 and the applicant was promoted on the post of Assistant Block Development Officer, Group-B on 24.02.2010.

3. It is submitted by the applicant that Shri W.J.Tayade was Junior to him and therefore he should have been given promotion before Shri W.J.Tayade, but the respondents have given promotion to the applicant after the promotion of Shri W.J.Tayade. The respondent no.2 Divisional Commissioner, Amravati submitted proposal on 16.04.2014 stating that Shri W.J.Tayade was junior to the applicant and therefore deemed date of promotion be granted to the applicant w.e.f. 10.08.2007. The said proposal is not decided by the respondent no.4. Therefore, the applicant has filed the present O.A. for the following reliefs-

i) It is therefore prayed that this Hon'ble Tribunal be pleased to issue appropriate direction to Respondent No.1 to consider & grant proposal dated 16.04.2014, forwarded by respondent Divisional Commissioner to respondent No.1 for

grant of deemed date of promotion to the applicant in Gp. B Post w.e.f. 10.08.07 at Annexure-A-2.

ii) to allow O.A. & direct Respondents to grant applicant all consequential relief regarding deemed date of promotion in Gp. B & claim of selection grade as per representation dated 03.03.2023 at Annexure-A-9,

iii) To direct Respondents to initiate action as per Section 10 of Maharashtra Government Servants Regulation of Transfers & Prevention of Delay in Discharge of Official Duties Act, 2005, for delay in taking decision on proposal dated 16.04.2014 and repeated representation of applicant.

iv) To allow the O.A. with cost.

10. INTERIM RELIEF-

Pending disposal of O.A. be pleased to direct respondent No. 1 to grant to consider and grant deemed date to the applicant as per proposal dated 16.04.2014 forwarded by respondent No. 1 Divisional Commissioner, Amravati Division Amravati, by sanctioned to respondent No. 1 at Annexure-A-2.

4. The O.A. is strongly opposed by the respondents. It is submitted that one O.A. was filed before the Principal Bench, M.A.T., Mumbai. There is possibility of changing seniority. Therefore, the O.A. is liable to be dismissed.

5. During the course of submission, learned counsel for the applicant has submitted that the O.A. is decided by the Principal Bench, M.A.T., Mumbai on 05.10.2023. Thereafter, the revised seniority list dated 12.01.2024 is published by the respondents. The name of applicant and Shri W.J.Tayade are not shown in the seniority

list. Both are retired in the year 2023. The learned counsel for the applicant has submitted that direction be given to the respondents to give deemed date of promotion. Therefore, prayed for direction to the respondent no.1 to consider the proposal dated 16.04.2014 forwarded by the respondent no.2 Divisional Commissioner.

6. From the proposal submitted by respondent no.2, it appears that applicant was senior to Shri W.J.Tayade. Shri W.J.Tayade was promoted on 10.08.2007 on the post of Assistant Block Development Officer, Group-B. The mistake is now rectified by respondent no. 2 and therefore proposal was submitted on 16.04.2014. Till date the respondent no.1 has not decided the said proposal. From the perusal of the said proposal, it appears that the applicant was senior to Shri W.J.Tayade therefore the applicant is entitled to get deemed date of promotion. Hence, the following order-

ORDER

1. The O.A. is allowed.
2. The respondent no.1 is directed to consider and grant proposal dated 16.04.2014 forwarded by the Respondent no. 2 Divisional Commissioner, Amravati to respondent no.1 for grant of deemed date of promotion to the applicant in Group-B w.e.f. 10.08.2007. After

granting the said proposal / deemed date, the consequential benefits be given to the applicant.

3. Respondent no.1 is directed to comply the order within three months from the date of receipt of this order.

4. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated - 10/05/2024.
rsm.

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 10/05/2024.
Uploaded on : 15/05/2024.
