

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2474 OF 2003
WITH CA/5823/2005 IN WP/2474/2003

STATE OF MAHARASHTRA
VERSUS
GANGADHAR SANDU SALVE

...
AGP for Petitioner : Mr. K.J. Ghute Patil
Advocate for Respondent No.1 : Mr. V.M. Maney
.....

**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATED : 16th FEBRUARY, 2015

P.C. :-

1. This petition challenges the judgment and order dated 18.12.2002 passed by the learned Chairman of Maharashtra Administrative Tribunal, Bench at Aurangabad in Original Application No. 404 of 2002.

2. The Original application was filed by respondent No. 1, challenging the promotion of respondent No. 2 & 3 superseding him. The grievance of respondent No. 1 was that though he was senior to respondent Nos. 2 and 3, he was not considered for promotion as Naib Tahsildar. The department placed reliance on a new Rule which came into force in the year 1998. This Rule provided that every clerk must pass examination for being eligible for promotion as

Awwal Karkun. By placing reliance on this Rule, the present petitioner-employer asserted that since the respondent No. 1 did not get through the examination, he could not have been appointed as Awwal Karkun though he was appointed as such, he cannot be considered as eligible to further promotion as Naib Tahsildar. This contention was rejected by the learned Chairman of the M.A.T. on the ground that respondent No. 1 was promoted as Awwal Karkun way back in the year 1993 when the Rule was not in existence. So, on the day when respondent Nos. 2 and 3 were promoted, respondent No. 1 was also eligible for promotion. We find no error in the judgment. We are therefore, inclined to dismiss writ petition. Writ petition is accordingly dismissed. Rule discharged.

3. In view of dismissal of writ petition, civil application No. 5823 of 2005 does not survive and the same is disposed of.

(V. K. JADHAV, J.)

(A. V. NIRGUDE, J.)

rlj/