

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.6343 OF 2012.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.S.Deshpande, advocate for the petitioners.
Mr.K.M.Suryawanshi, Asstt. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**

Date : 05.08.2015.

PER COURT :

1. Heard.
2. Mr.Deshpande, learned counsel for the petitioner states that petitioners were selected pursuant to advertisement and by following regular selection process. The petitioner No.1 was first in the order of merit, however, came to be appointed under District Rural Development Agency (DRDA). The other candidates were appointed under Zilla Parishad and Integrated Child Development Scheme (ICDS). The learned counsel submits that DRDA and ICDS are Central Government sponsored schemes. The petitioners in the year 2001 and 2006 have been absorbed with the Respondent No.3. They were initially appointed in the year 1983, 1990 and

1991. Their absorption was done late. Vide the Government Resolution dated 1.10.2001 their seniority was to be considered from the first date of appointment but subsequently clause 20 of the said Government Resolution has been amended vide Government Resolution dated 26.3.2004. By virtue of the same, the seniority of the petitioners is being counted from the date when they are absorbed with the Zilla Parishad. The learned counsel submits that it is by mere co-incidence, the petitioners were taken under DRDA and others were under Zilla Parishad and ICDS. Those who were appointed under ICDS, they were also subsequently absorbed with Respondent No.3 and in their case the seniority was counted from the date of their initial appointment. The same treatment is not being meted out to the petitioners. The petitioners are discriminated though they are selected vide same selection process and they were more meritorious. The same is illegal and discriminatory.

3. Learned Asstt. Govt. Pleader and Mr.Bondar, learned counsel for Respondent No.3 submit that the Government Resolution dated 26.3.2004, is in tune with the notification dated 21.6.1982 and Section 242-D(3) of the Zilla Parishads and Panchayat Samitis Act, 1961.

4. We have considered the submissions. The appointments, promotions would be governed by the respective statute pursuant to

which they are appointed and absorbed. Section 242-D(3) deals with transfer of certain employees of District Rural Development Agency of Zilla Parishad. Sub-section (3) of Section 242-D lays down that employees who are transferred to Zilla Parishad from DRDA shall be treated as Junior most in the appropriate cadre of that Zilla Parishad service from the specified date. The said provision is not subject matter of challenge. The parties would be governed by the same.

5. Moreover, other benefits and approval have been protected by virtue of sub-section (4) of Section 242-D of the said Act.

6. Considering the above, no merit in the Petition. The Writ Petition is dismissed. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.05.08.2015.
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