

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.11371 OF 2016

The State of Maharashtra
and others. ... Petitioners.

Versus

Anil Pandurang Salve
and another. ... Respondents.

...

Mr.R.V.Dasalkar, A.G.P. for the Petitioners.

...

**CORAM : S.V.GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

Date : 14.08.2017.

PER COURT :

1. The Respondent No.1 filed Original Application before the Maharashtra Administrative Tribunal, Bench at Aurangabad, seeking deemed date of promotion as original Respondent No.3 who was junior to him was promoted. The State has assailed the said judgment.

2. Mr.Dasalkar, learned A.G.P. submits that the list of Jail guards is maintained Region-wise. When a guard is transferred from one region to another, his seniority from his date of appointment is maintained for the said region. The applicant was appointed in South Region on 9.7.1992. He was transferred to Central Region on 8.6.1998. The same is not considered for his seniority in Central Region. However, original Respondent No.3 remained in South Region, where he was promoted as Hawaldar in 2009 and as Subedar on 31.12.2010 on the basis of the seniority in that region. Thereafter, the Respondent No.3 is transferred to Central Region as Subedar. In view of that the original applicant ought not to have any grievance.

3. The Tribunal has observed that the original applicant and the original Respondent No.3 were appointed in Southern Region. The original applicant is at serial No.73, whereas the original Respondent No.3 is at serial No.84. Thereafter, the original applicant was transferred to Central Region on 8.6.1998. Only

because of transfer the region had changed, the original applicant could not have lost his seniority. The Tribunal has considered the said aspect. Even the State has issued a Circular dated 6/7.6.2017, thereby accepting that even if the Region is changed, the initial date of appointment will be considered for the purpose of seniority.

4. Considering the said Circular also and also on merit, we do not find any error committed by the Tribunal.

5. The Writ Petition is dismissed. No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

