

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3165 OF 2022

1. Ninand Ashokrao Lande,
Aged about 40 years, Occu: Zonal Officer,
Food Distribution Office, Civil Lines,
Nagpur.
2. Vinod Narayanrao Kale,
Aged about 45 years,
Occu.: Inspecting Officer,
Tahsil Office, Arjuni – Morgaon,
Dist. Gondia.
3. Prashant Vitthalrao Ingole,
Aged about 41 years,
Occu.: Inspecting Officer,
Civil Lines, Nagpur Rural, Nagpur.
4. Suhas Ganpatrao Tong,
Aged about 40 years,
Occu: Inspecting Officer,
Tahsil Office Hinganghat,
District Wardha.

PETITIONERS

...VERSUS...

1. The State of Maharashtra,
Through Principal Secretary,
Food and Civil Supplies and Consumer
Protection Department, Mantralaya,
Mumbai – 400032.
2. Principal Secretary,
General Administrative Department,
Mantralaya, Mumbai – 400032.
3. Dinesh Namdeo Taware,
Working as Zonal Officer,
A – Zone, Food Grains Distribution,
Pune.

4. Ankush S. Kamble,
Working as Supply Inspecting Officer,
Office Address : District Supply Office,
Collector Office, Pune.
5. Prashant M. Khatal,
Working as Zonal Officer,
Office Address : E-xone,
Food Grains Distribution Office, Pune.

RESPONDENTS

Mr. R. L. Khapre, Sr. Advocate with Mr. Anand Thakre, Advocate
for Petitioners.

Ms K. S. Joshi, Addl.G.P. for Respondents 1 and 2/State.

Mr. A. R. Deshpande, Advocate for Respondents 3 to 5.

CORAM: **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**

DATE: **03.04.2023**

JUDGMENT : (PER ROHIT B. DEO, J.)

1. Heard. **Rule.** Rule made returnable forthwith by
consent of the learned counsels for the parties.

2. Petitioners are assailing the judgment dated
01.03.2022 rendered by the Maharashtra Administrative Tribunal,
Mumbai Bench, Mumbai (MAT) as corrected by the order dated
03.03.2022.

3. The applicants in the Original Application viz. Dinesh
Taware, Ankush Kamble and Prashant Khatal challenged the final
seniority list of Supply Inspecting Officer, Grade-B (Gazetted)

dated 27.01.2020 and 12.02.2020. A direction was sought that the seniority list be prepared at the Revenue Divisional Level, as it mandated by the extant Recruitment Rules and promotions be effected at the Divisional Level.

4. We are not required to dilate on the merits of the issue.

5. It is common ground that the petitioners are not impleaded as parties. Moreover, it is obvious from the memo of the Original Application that no care and caution was exercised by the applicants to implead at least some employees in the seniority list, in representative capacity. It is not even argued, and fairly so, by the respondents that the petitioners are not affected parties. Inasmuch as the petitioners are contending that the seniority list not be disturbed, and that there is nothing wrong in the manner in which the seniority list is prepared, it is obvious that the order rendered by the MAT affects the interest of the petitioners.

6. The law is well settled. While in a given case, failure of the petitioners to implead every employee in the seniority list may be understandable on pragmatic consideration, few employees in the seniority list are required to be impleaded in a

representative capacity in order to ensure that the interest of all the stakeholders are sufficiently protected, and the perspectives and the counter-narratives are considered and appreciated by the Tribunal. We may only refer to a relatively recent decision of the Hon'ble Supreme Court in the case of ***Ajay Kumar Shukla and Ors. Vs. Ashish Kumar Srivastava and Ors. and other connected matters*** reported in ***2021 SCC OnLine SC 1195***.

7. We quash and set aside the order impugned.
8. We permit the respondents 3 to 5 (Original Applicants in Original Application 220/2020) to implead the petitioners as party respondents in the Original Application.
9. We request the learned MAT to decide the Original Application afresh after hearing the newly added respondents as expeditiously as possible.
10. Rule is made absolute accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)