



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

WRIT PETITION NO. 7993 OF 2022

(Ravindra Ramkrushna Yeul ..VS.. Additional Commissioner, Tribal Development Department,
Amravati and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Patil, Advocate for Petitioner.
Shri K.R. Luley, A.G.P. for Respondent Nos.1 and 2.
Shri P.A. Jibhkate, Advocate for Respondent No.3.
Shri P.D. Meghe, Advocate for Respondent No.4.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 5, 2023.

1. Heard.
2. In the present matter, there is a dispute of seniority between the petitioner and the respondent No.4 and accordingly this Court in an earlier round of litigation, vide order dated 06.09.2022, passed in Writ Petition No.1112/2019, directed the Additional Commissioner to hear the petitioner and respondent No.4 and decide the dispute. This Court also permitted the parties to file relevant material before the Additional Commissioner.
3. In pursuance to the said order, the petitioner and respondent No.4 appeared before the Additional Commissioner and filed numerous documents on record in support of their respective cases. However, without observing or discussing the material filed by the petitioner and respondent No.4 before the Additional

Commissioner, he passed the order dated 14.10.2022 declaring the respondent No.4 as 'Senior' to petitioner, the said order is under challenged in this writ petition.

4. After going through the record, it is evident that numerous documents were filed by the petitioner showing that the date of joining service of the petitioner is 01.07.1999 whereas, the joining date of the respondent No.4 is 20.07.1999. Admittedly, there are no observations or reasons recorded by the Additional Commissioner discarding such documents or not considering the same. Thus, it is evident that the Additional Commissioner has failed to determine the seniority by recording the reasons, more particularly when there is ample material produced by both the parties in support by their respective case.

5. In the circumstances, I find that there is no other option than to remand the matter back to the Additional Commissioner to decide the claim of the petitioner and respondent No.4 as regards their seniority afresh in pursuance to the directions issued by this Court vide order dated 06.09.2022 in Writ Petition No.1112/2019.

6. Accordingly, the Writ Petition is partly allowed. The order dated 14.10.2022, passed by the Respondent No.1 - Additional Commissioner is hereby quashed and set aside. The matter is remanded back to the Additional Commissioner to decide the same afresh after taking into consideration the documents and material filed on record

by both the parties in support of their respective claim as regards seniority. Such exercise shall be completed by the Additional Commissioner within a period of four weeks from the date of appearance of the parties before the Additional Commissioner. Parties shall appear before the Additional Commissioner on **21.12.2023** at 11.00 am.

7. The interim order granting status-quo shall continue till then.

JUDGE

Kirtak.