

**ORIGINAL APPLICATION NO. 1305 OF 2024**  
**(Rajaram R. Bendkoli Vs. State of Maharashtra & Ors.)**

**CORAM :** Justice Shri V.K. Jadhav, Member (J)

**DATE :** 25.10.2024

**ORAL ORDER :**

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has pointed out that the applicant is working in the cadre of Assistant Director & Public Prosecutor at Chh. Sambhajinagar and he is holding the additional charge of the post of Deputy Director of Prosecution at Chh. Sambhajinagar since 11.07.2023.

3. By impugned order dated 21.10.2024 the respondent No.3 has now been given the additional charge of the post of Deputy Director of Prosecution at Chh. Sambhajinar. By order dated 24.10.2024 passed in this Original Application, this Tribunal has referred the Government Circular dated 05.09.2018 particularly paragraph No. 2 (1) and directed the learned P.O. to take specific instructions as to why even though applicant is senior most person of the said station, the charge is given to some other person who is junior to the applicant.

//2//

O.A. 1305/2024

4. Learned P.O. has placed before this Tribunal the copy of communication dated 25.10.2024. The same is taken on record and marked as document 'X' for the purpose of identification. On perusal of the same it appears that the entry in the service has been considered and accordingly the additional charge has been given to the respondent No.3. In fact the respondent No.3 was working as Additional Public Prosecutor, at Nanded and she was promoted as Assistant Director & Public Prosecutor by order dated 15.10.2024, whereas the applicant came to be promoted in the 2014. It appears that the seniority of the applicant in the cadre is not considered.

5. ***In view of same, the impugned order dated 21.10.2024 (Annexure 'A-1') is hereby stayed till the next date of hearing.***

6. Issue notice to respondents, returnable on 21.11.2024.

7. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

//3// O.A. 1305/2024

8. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

10. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

11. S.O. to 21.11.2024.

12. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**