

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 148 OF 2020**

**DISTRICT : AHMEDNAGAR**

**Gorakhnath J. Bhalerao,** )  
Age : 56 years, Occu. : Circle Officer, )  
Revenue Office Department, )  
Newasa, Tq. Newasa, Dist. Ahmednagar. )

.. **APPLICANT**

**V E R S U S**

1. **Secretary Revenue & Forest Department,**)  
Mantralaya, Mumbai. )
2. **The Collector Office,** )  
Ahmednagar. )
3. **Residential Dy. Collector,** )  
Ahmednagar, Collector Office, Ahmednagar.)

.. **RESPONDENTS**

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**APPEARANCE** : Shri S.D. Dhongde, Advocate for the  
Applicant.

: Shri M.S. Mahajan, Chief Presenting Officer for  
respondents.

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**CORAM** : **Justice Shri P.R. Bora, Member (J)**  
**and**  
**Shri Bijay Kumar, Member (A)**

**Reserved on** : **30.03.2022**

**Pronounced on** : **08.04.2022**  
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**O R D E R**

**(Per : Shri Bijay Kumar, Member (A))**

1. This Original Application has been filed by one Shri Gorakhnath J. Bhalerao, R/o Ahmednagar, who was working as a Revenue Circle Officer, Newasa, Taluka- Newasa, District-Ahmednagar, invoking

provisions of Section 19 of the Administrative Tribunals Act, 1985, thereby, challenging the order dated 25.11.2019 issued by the respondent No. 2 rejecting claim of the applicant for grant of benefits of the first time-bound promotion w.e.f. 01.06.1997 instead of 01.06.2008.

2. The applicant had made first representation on 22.08.2019 against the order of granting of the time-bound promotion scheme w.e.f. 01.06.2008, i.e. the date on which the applicant got exemption from passing Revenue Qualifying Examination vide order No. कवि/आस्था/४७३/२०१७, dated 24.05.2017 passed by the Collector Ahmednagar, which was rejected by the Sub Divisional Officer, Ahmednagar vide his order No. कवि/आस्था/१०५५, १०५६, १०५८/२०१९, dated 25.11.2019. Thereafter, the applicant had filed this Original Application on 14.02.2020. Therefore, this Tribunal had overruled the objection taken on behalf of the respondents about Limitation, vide its order dated 11.03.2020 and accordingly, delay in filing the original application stands condoned.

3. **Facts of the Case** :- The facts of the case, as submitted by the applicant may be summed up as follows :-

(a) The applicant was appointed as Talathi on 28.09.1984. He passed Sub-Service Departmental Examination held in the month of September 1996 and was declared to have passed the same on 27.02.1997. Thereafter, Tahsildar Newasa passed the

order of permanency of the applicant on the post of Talathi w.e.f. 27.02.1997 vide order passed on 03.03.2018.

(b) As per the Recruitment Rules for the post of Revenue Circle Officer, 1996, Talathis have to pass Revenue Qualifying Examination (in short, "RQE") within prescribed number of years and prescribed attempts else, he / she has to lose seniority. As up to the year 1997, "RQE" were not held for Talathis, respondent No. 2 i.e. the Collector Ahmednagar vide order No. मह/कार्या ५३/२५६७/१९९७, dated 02.12.1997 granted senior scale to a number of Talathis recommended by respective Sub-Divisional Officers, which was subject to the Government permission for Talathis to appear in "RQE". The respondent No. 2 also mentioned in the said order that the Talathis who were getting benefit of senior scale before passing "RQE" may not get annual increments unless and until they pass "RQE" as per prescribed norms after the same had been introduced.

(c) However, the rules or authority under which such order granting senior scale / time-bound promotion without passing "RQE" had been granted has not been mentioned in the said order nor the same has been mentioned by the applicant to buttress his claim to get the same benefits as per extent Rules.

(d) The case of the applicant is that his name was not recommended from Sub-Divisional Officer, Shrirampur and

therefore, he could not get the benefit of senior scale as per the order of year 1997. As the "RQE" was introduced in the year 1998 and the applicant could not pass the same till he attained the age of 45 years (his date of birth being 01.06.1963) and could get exemption from passing "RQE" w.e.f. 01.06.2008, and therefore, he could get the benefit of time bound promotion w.e.f. 01.06.2008 only.

4. **Relief Prayed for** :- The applicant has prayed for relief, which is reproduced verbatim as follows :-

- a) *Kindly allow this Original Application.*
- b) *Kindly quashed & set aside order dated 25.11.2019 issued by Respondent No. 2.*
- c) *Kindly directed to respondents to consider applicant's claim of first time-bound promotion from the year 1997 with direction to extend him annual increments with higher pay scale as other similar situated persons.*
- d) *Kindly directed to respondents to extend benefit of II ACPS for 2007 & III benefit form 2017.*
- c) *Kindly directed to respondents to pay arrears & difference of payment with interest of 10%.*
- e) *If any other relief as tis Hon'ble Tribunal thinks fit.*
- g) *Kindly allow this original application with cost in the interest of justice."*

5. **Pleadings & Arguments** :- Respondent Nos. 1 to 3 had been duly served notices as per orders of the Tribunal during the period

from March 2020 to June 2020. Affidavit in reply was filed on behalf of the three respondents on 23<sup>rd</sup> October 2020, a copy of which was provided to the other side. Majority of the subsequent period has been affected by various phases of CORONA pandemic, during which the matter could not proceed further during the intervening period. However, with consent of counsel for the applicant and the Presenting Officer representing the respondents, the matter was fixed for final hearing vide order dated 10.01.2022 which finally took place on 30.03.2022.

**6. Analysis of Facts and Conclusion :-**

(a) The respondents have rightly pointed out that Sub-Divisional Officer is appointing authority for the Talathis, who in turn work in a Tahsil under supervision & control of Tahsildars. The impugned order against which the applicant is seeking relief has been passed by the Sub-Divisional Officer. Despite that, the applicant has, reasons best known to him, not joined the Sub-Divisional Officer and Tahsildar as respondents.

(b) The respondents have elaborated the relevant provisions of the scheme of time-bound promotion scheme launched by General Administration Department vide Resolution No. एसआरडी-१०९९/प्र.क. १/९९/बारा, मंत्रालय, मुंबई, dated 08.06.1995. Thus, the respondents have substantiated their contention that there is no rule under which a Talathi in general and the applicant in

particular can be granted senior scale / time-bound promotion without fulfilling the conditions prescribed under the scheme launched by General Administration Department vide Resolution No. एसआरव्ही- १०९५/प्र.क्र. १/९५/बारा, मंत्रालय, मुंबई, dated 08.06.1995. The applicant has not produced any document to counter the contentions made by the respondents in this regard.

(c) In view of facts on record and submissions made by the two sides, we are of the considered opinion that the applicant has not joined proper and necessary parties as respondents. We are also of the opinion that the respondents have rightly declined to grant benefits claimed by the applicant citing an instance of aberration in implementation of the scheme of time-bound promotion as per rules, which cannot substitute for the Rule in force.

(d) As the applicant has date of birth of 01.06.1963, he may have retired on superannuation in the year 2021. However, considering the facts before us, it prima-facie appears that the applicant may be entitled to benefits of the scheme of time-bound promotion / ACPS under the Government in Finance Department's G.R. No. वेतन-१११९/प्र.क्र. ३/ २०१९/सेवा-३, मंत्रालय, मुंबई, dated 02.03.2019. Therefore, we are also of the considered opinion that the respondents may consider the case of applicant on merit in this respect. We therefore, pass following order :-

**ORDER**

The Original Application No. 148 of 2020 is partially allowed in following terms :-

- [A] The respondents are directed to consider the case of the applicant for grant of benefits of time-bound promotion scheme under Government Resolution issued by the Finance Department bearing No. वेतन-१११९/प्र.क्र. ३/ २०१९/सेवा-३, मंत्रालय, मुंबई, dated 02.03.2019 in order to grant relief to the applicant with respect to payer clause (d) and grant benefits as per merit of the case within a period of three months from the date of this order.
- [B] No order as to costs.

**MEMBER (A)****MEMBER (J)****Kpb/D.B. O.A. 148 of 2020 PRB & BK 2022 Time Bound Promotion**