

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 559 OF 2019
DISTRICT : AURANGABAD**

Janardhan s/o Pundalik Muley,)
Age : 67 years, Occu. : Retired,)
R/o : Savkheda, Tq. Gangapur,)
Dist. Aurangabad.)
.. **APPLICANT**

V E R S U S

1. The State of Maharashtra,)
Through Secretary,)
Revenue Department,)
Mantralaya, Mumbai.)

2. The Secretary of Finance Department,)
Maharashtra State Mantralaya,)
Mumbai.)

3. The District Collector,)
Aurangabad.)

4. The Sub-Divisional Officer (Revenue),)
Aurangabad.)

5. Tahsildar, Tahsil Office,)
Paithan, Tq. Paithan, Dist. Aurangabad.)
.. **RESPONDENTS**

APPEARANCE : Shri A.L. Kanade, Advocate for the
Applicant.

: Smt. M.S. Patni, Presenting Officer for
respondents.

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

Reserved on : **20.09.2022.**

Pronounced on : **28.09.2022**

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

1. This Original Application No. O.A. (St.) No. 1168 of 2017 had been filed by one Shri Janardhan s/o Pundalik Muley on 10.08.2017 invoking provisions of Section 19 of the Administrative Tribunals Act, 1985, thereby, claiming eligibility for grant of benefits of Modified Assured Career Progression Scheme, 2010.

2. The Applicant had also filed a Miscellaneous Application bearing M.A. No. 350 of 2017 for condonation of delay of 8 years and 3 months in filing of the aforesaid O.A. which was allowed by this Tribunal [*CORAM: Justice A. H. Joshi, Chairman*] vide Oral Order dated 27.06.2019 and the O.A. was registered with regular number O.A. No. 559 of 2019.

3. Learned Presenting Officer submitted affidavit in reply on behalf of Respondent No. 3 on 09.08.2019 which was taken on record on 30.08.2019 and a copy thereof was provided to the other side. The learned P.O. also made submission that affidavit in reply on behalf of Respondent No. 1, 2, 4 and 5 were not necessary. The matter could not be heard until 14.10.2021 on which day the learned Advocate for the Applicant and the learned

Presenting Officer agreed that the matter may be taken up for final hearing. Therefore, the matter was fixed for final hearing on 24.11.2021 which could take place only on 20.09.2022 and thereafter, the matter was reserved for orders.

4. The facts of the matter as that the Applicant was appointed as a Talathi on 12.11.1982. He was given benefits of scheme of First Time-Bound Promotion on completion of 12 years' regular service under the scheme introduced by Government in General Administration Department Resolution Dated 08.06.1995. The Applicant retired on superannuation on 31.05.2008 from Saza-Porgaon, Taluka- Paithan, District- Aurangabad and made representations to Respondent on 21.10.2015 and thereafter on 09.09.2016, 17.06.2017, 12.07.2017 and 21.07.2017 copies of which have been placed on page Nos. 33 to 40 of the paper-book. The Applicant had been issued No Enquiry- No dues Certificate by the Respondents on his retirement. However, he was not granted benefits of Modified Assured Career Progression Scheme on completion of 24 years of service as per Government in Finance Department's Resolution dated 01.04.2010 read with G.R. dated 09.12.2016.

5. The Applicant has sought relief in terms of para 8 and 9 of the O.A. which is being reproduced verbatim for ready reference:-

“8) **RELIEFS SOUGHT:**

- A) *This original application may kindly be allowed.*
- B) *By issue an appropriate order or direction, the respondent No. 1 to 5 may kindly be directed to provide the benefit of Second Revised Assured Career Progressive Scheme provided in G.R. dated 1.4.2010 to the applicant.*
- C) *By issue of an appropriate order or direction, the respondents may kindly be directed to determine the pay and allowances under the G.R. dated 1.4.2010 and released the benefit forthwith.*

12) **INTERIM RELIEF SOUGHT:**

- a) *Any other relief to which the applicant is deemed entitled in the interest of justice may kindly be granted.”*

6. Respondent No. 3 had, through submissions made in para 8 of the affidavit in reply dated 09.08.2019, accepted that the applicant's eligibility to get benefits of Modified Assured Career Progression Scheme introduced by Government in Finance Department's Resolution dated 01.04.2010 read with G.R. dated 09.12.2016 and corrigendum dated 11.05.2017 will be got

examined by Departmental Promotion Committee and appropriate decision shall be taken within a period of 4 months.

However, the learned Presenting Officer has not submitted the action taken report.

7. In view of above facts, it is amply clear that the respondent No.3 has not taken the submissions made by him seriously. However, cognizance is taken of the fact that in the interest of justice, it is more important to get the compliance of assurance given on oath by the respondent No. 3 though affidavit in reply submitted on his behalf on 09.08.2019. Therefore, following order is passed :-

ORDER

The Original Application No. 559/2019 is disposed of in following terms :-

- (A) The respondents are directed to get a meeting of Departmental Promotion Committee convened to get the eligibility of the applicant to get the benefits of Modified Assured Career Progression Scheme introduced by the Government in Finance Department's Resolution dated 01.04.2010 read with G.R. dated 09.12.2016 and corrigendum dated 11.05.2017 within a period of four weeks from the

date of receipt of this order and inform the applicant of the decision taken in writing by speed post.

(B) No order as to costs.

MEMBER (A)

VICE CHAIRMAN

Kpb/D.B. O.A. 559 of 2019 PRB & BK Benefits of 2nd ACPS