

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,  
BENCH AT AURANGABAD**

**COMMON ORDER IN ORIGINAL APPLICATION NOS. 966, 967, 968,  
969, 970, 971, 972, 974, 975, 976, 977, 978, 979 & 463 ALL OF  
2019 AND 537 OF 2020**

**1. ORIGINAL APPLICATION NO. 966 OF 2019**

**DISTRICT : BEED**

**Prakash s/o Vinayakrao Deshpande,** )  
Age : 69 years, Occu. : Retired as Sub- )  
Divisional Officer, Under Office of Executive )  
Engineer, Jayakwadi Irrigation Division )  
No.3, Beed, Dist. Beed, )  
R/o. House No. 32, Suyog Colony, Padampura, )  
Aurangabad, Dist. Aurangabad. )

....

**APPLICANT**

**V E R S U S**

**1. The State of Maharashtra,** )  
Through Principal Secretary, )  
General Administration Department, )  
Mantralaya, Mumbai-32. )

**2. The Principal Secretary,** )  
Finance Department, )  
Mantralaya, Mumbai-32. )

**3. The Principal Secretary,** )  
Water Resource Department, )  
Mantralaya, Mumbai-32. )

**4. Chief Engineer & Chief Administrator,** )  
CADA, Garkheda, CADA Bhavan, )  
Aurangabad, Dist. Aurangabad. )

**5. Superintending Engineer,** )  
And Administrator, CADA, Jayakwadi Colony,)  
Nagar Road, Beed, Dist. Beed. )

**... RESPONDENTS**

**W I T H**

**2. ORIGINAL APPLICATION NO. 967 OF 2019**

**DISTRICT : JALNA**

**Punjaram s/o Godhaji Kolhe,** )  
 Age : 68 years, Occu. : Retired as Sub- )  
 Divisional Officer, Under Office of Executive )  
 Engineer, Minor Irrigation Division Jalna, )  
 Dist. Jalna, R/o. 3, Anmol Apartment, )  
 Shriram Nagar, Behind Fire Brigade, )  
 Station Road, Aurangabad, Dist. Aurangabad. )

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**APPLICANT****V E R S U S**

1. **The State of Maharashtra,** )  
 Through Principal Secretary, )  
 General Administration Department, )  
 Mantralaya, Mumbai-32. )
2. **The Principal Secretary,** )  
 Finance Department, )  
 Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
 Water Resource Department, )  
 Mantralaya, Mumbai-32. )
4. **Chief Engineer,** )  
 Jalsampada Vibhag, Sinchan Bhavan, )  
 Aurangabad, Dist. Aurangabad. )
5. **Superintending Engineer,** )  
 Aurangabad Irrigation Circle, Sinchan )  
 Bhavan, Aurangabad, Dist. Aurangabad. )

... **RESPONDENTS****W I T H****3. ORIGINAL APPLICATION NO. 968 OF 2019****DISTRICT : AURANGABAD**

**Subhash s/o Kashinath Kale,** )  
 Age : 65 years, Occu. : Retired as Sub- )  
 Divisional Officer, Under Office of Executive )  
 Engineer, Aurangabad Irrigation Division, )  
 Aurangabad, R/o. Plot No. 7, Shivneri Nagar, )  
 Opp. Jawahar Nagar, Police Station, Garkheda, )  
 Aurangabad, Dist. Aurangabad. )

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**APPLICANT****V E R S U S**

1. **The State of Maharashtra,** )  
 Through Principal Secretary, )  
 General Administration Department, )  
 Mantralaya, Mumbai-32. )

2. **The Principal Secretary,** )  
Finance Department, )  
Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
Water Resource Department, )  
Mantralaya, Mumbai-32. )
4. **Chief Engineer & Chief Administrator,** )  
CADA, Garkheda, CADA Bhavan, )  
Aurangabad, Dist. Aurangabad. )
5. **Superintending Engineer,** )  
And Administrator, CADA, Jayakwadi Colony,) )  
CADA Bhavan, Aurangabad, Dist. Aurangabad.) )

... RESPONDENTS

W I T H4. ORIGINAL APPLICATION NO. 969 OF 2019

DISTRICT : AURANGABAD

**Shrikirshna s/o Madhukarrao Walujkar,** )  
Age : 66 years, Occu. : Retired as Sub- )  
Divisional Officer, Under Office of Executive )  
Engineer, Hydrologic Project Division, )  
Aurangabad, R/o. Plot No. 62, Nyayalaya )  
Housing Society, N-8, E-1, CIDCO, )  
Aurangabad, Dist. Aurangabad. )

.... APPLICANT

V E R S U S

1. **The State of Maharashtra,** )  
Through Principal Secretary, )  
General Administration Department, )  
Mantralaya, Mumbai-32. )
2. **The Principal Secretary,** )  
Finance Department, )  
Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
Water Resource Department, )  
Mantralaya, Mumbai-32. )
4. **Chief Engineer,** )  
Hydrologic Project, Dindori Road, Nashik, )  
Dist. Nashik. )

5. **Superintending Engineer,** )  
Hydrologic Project, Dindor Road, Nashik, )  
Dist. Nashik. )

... RESPONDENTS

**W I T H**

**5. ORIGINAL APPLICATION NO. 970 OF 2019**

**DISTRICT : AURANGABAD**

- Vivek s/o Shrirampant Degloorkar,** )  
Age : 66 years, Occu. : Retired as Sub- )  
Divisional Officer, Under Office of Executive )  
Engineer, Minor Irrigation Division No. 1, )  
Aurangabad, R/o. 3, Degloorkar Building, )  
Opp. Roxy Talkies, Paithangate, Aurangabad, )  
Dist. Aurangabad. )

.... **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
Through Principal Secretary, )  
General Administration Department, )  
Mantralaya, Mumbai-32. )
2. **The Principal Secretary,** )  
Finance Department, )  
Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
Water Resource Department, )  
Mantralaya, Mumbai-32. )
4. **Chief Engineer,** )  
Jalsampada Vibhag, Sinchan Bhavan, )  
Aurangabad, Dist. Aurangabad. )
5. **Superintending Engineer,** )  
Aurangabad Irrigation Circle, Sinchan )  
Bhavan, Aurangabad, Dist. Aurangabad. )

... RESPONDENTS

**W I T H**

**6. ORIGINAL APPLICATION NO. 971 OF 2019**

**DISTRICT : AURANGABAD**

- Syed Sarfraz Ahmed,** )  
Age : 66 years, Occu. : Retired as Sub- )  
Divisional Officer, Under Office of Executive )  
Engineer, Minor Irrigation Division No. 1, )  
Aurangabad, R/o. Plot No. 8, Malikambar )

Colony, Jaswantpura, Azad Chowk, )  
 Aurangabad, Dist. Aurangabad. )

.... **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
 Through Principal Secretary, )  
 General Administration Department, )  
 Mantralaya, Mumbai-32. )

2. **The Principal Secretary,** )  
 Finance Department, )  
 Mantralaya, Mumbai-32. )

3. **The Principal Secretary,** )  
 Water Resource Department, )  
 Mantralaya, Mumbai-32. )

4. **Chief Engineer,** )  
 Jalsampada Vibhag, Sinchan Bhavan, )  
 Aurangabad, Dist. Aurangabad. )

5. **Superintending Engineer,** )  
 Aurangabad Irrigation Circle, Sinchan )  
 Bhavan, Aurangabad, Dist. Aurangabad. )

... **RESPONDENTS**

**W I T H**

**7. ORIGINAL APPLICATION NO. 972 OF 2019**

**DISTRICT : AHMEDNAGAR**

**Trimbak s/o Ashruba Bade,** )  
 Age : 67 years, Occu. : Retired as Sub- )  
 Divisional Officer, Under the Office of Executive )  
 Engineer, Kukdi Irrigation Division No. 1, )  
 Shrigonda, Dist. Ahmednagar, )  
 R/o. Shivkrupa Apartment, Gulmohor Road, )  
 Sawedi, Ahmednagar, Dist. Ahmednagar. )

.... **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
 Through Principal Secretary, )  
 General Administration Department, )  
 Mantralaya, Mumbai-32. )

2. **The Principal Secretary,** )  
 Finance Department, )  
 Mantralaya, Mumbai-32. )

3. **The Principal Secretary,** )  
Water Resource Department, )  
Mantralaya, Mumbai-32. )
4. **Chief Engineer,** )  
Jalsampada Vibhag, Sinchan Bhavan, )  
Mangalwar Peth, PUNE, Dist. Pune. )
5. **Superintending Engineer,** )  
Pune Irrigation Circle, Sinchan Bhavan, )  
Mangalwar Peth, PUNE, Dist. Pune. )

... RESPONDENTS

W I T H8. ORIGINAL APPLICATION NO. 974 OF 2019

DISTRICT : AHMEDNAGAR

**Vinayak s/o Bhimrao Nimbalkar,** )  
Age : 70 years, Occu. : Retired as Sub- )  
Divisional Officer, Under the Office of Executive )  
Engineer, Mula Irrigation Division, Ahmednagar, )  
Dist. Ahmednagar, R/o. Shrinivas, Bungalow No. 8,)  
Nandanvan Colony, Kohinoor Mangal Karyala )  
Road, Sawedi, Ahmednagar, Dist. Ahmednagar. )

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APPLICANT

V E R S U S

1. **The State of Maharashtra,** )  
Through Principal Secretary, )  
General Administration Department, )  
Mantralaya, Mumbai-32. )
2. **The Principal Secretary,** )  
Finance Department, )  
Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
Water Resource Department, )  
Mantralaya, Mumbai-32. )
4. **Chief Engineer,** )  
Jalsampada Vibhag, North Maharashtra )  
Region, Nashik, Dist. Nashik. )
5. **Superintending Engineer,** )  
Command Area Development Authority, )  
Nashik, Dist. Nashik. )

... RESPONDENTS

W I T H**9. ORIGINAL APPLICATION NO. 975 OF 2019****DISTRICT : AHMEDNAGAR**

**Shivaji s/o Bhimrao Nimbalkar,** )  
 Age : 67 years, Occu. : Retired as Sub- )  
 Divisional Officer, Minor Irrigation Sub Division, )  
 Kotul, Akole, Dist. Ahmednagar, )  
 R/o. Plot No. 5, Ashra Housing Society, Gulmohor )  
 Road, Sawedi, Ahmednagar, Dist. Ahmednagar. )

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**APPLICANT**V E R S U S

1. **The State of Maharashtra,** )  
 Through Principal Secretary, )  
 General Administration Department, )  
 Mantralaya, Mumbai-32. )
2. **The Principal Secretary,** )  
 Finance Department, )  
 Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
 Water Resource Department, )  
 Mantralaya, Mumbai-32. )
4. **Chief Engineer,** )  
 Jalsampada Vibhag, Sinchan Bhavan, )  
 Mangalwar Peth, PUNE, Dist. Pune. )
5. **Superintending Engineer,** )  
 Pune Irrigation Circle, Sinchan Bhavan, )  
 Mangalwar Peth, PUNE, Dist. Pune. )

... RESPONDENTS

W I T H**10. ORIGINAL APPLICATION NO. 976 OF 2019****DISTRICT : AHMEDNAGAR**

**Vishnu s/o Trimbak Mahale,** )  
 Age : 65 years, Occu. : Retired as Sub- )  
 Divisional Officer, Under the Office of Executive )  
 Engineer, Mula Irrigation Division, Ahmednagar, )  
 Dist. Ahmednagar, R/o. 4, Urban Bank Colony, )  
 Vasant Tekadi, Aurangabad Road, Ahmednagar, )  
 Dist. Ahmednagar. )

.... **APPLICANT****V E R S U S**

1. **The State of Maharashtra,** )  
Through Principal Secretary, )  
General Administration Department, )  
Mantralaya, Mumbai-32. )
2. **The Principal Secretary,** )  
Finance Department, )  
Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
Water Resource Department, )  
Mantralaya, Mumbai-32. )
4. **Chief Engineer,** )  
Jalsampada Vibhag, North Maharashtra )  
Region, Nashik, Dist. Nashik. )
5. **Superintending Engineer,** )  
Mula Irrigation Division, Ahmednagar, )  
Dist. Ahmednagar. )

... **RESPONDENTS****W I T H****11. ORIGINAL APPLICATION NO. 977 OF 2019****DISTRICT : AHMEDNAGAR**

**Nagnath s/o Pandit Ghodke,** )  
Age : 67 years, Occu. : Retired as Sub- )  
Divisional Officer, Under the Office of Executive )  
Engineer, Kukdi Project Division No. 1, Ahmednagar,) )  
R/o. L.I.C. Colony, Sheela Vihar, Opp. Mayur )  
Kirana Store, Sawedi, Ahmednagar, Dist. Ahmednagar.) )

.... **APPLICANT****V E R S U S**

1. **The State of Maharashtra,** )  
Through Principal Secretary, )  
General Administration Department, )  
Mantralaya, Mumbai-32. )
2. **The Principal Secretary,** )  
Finance Department, )  
Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
Water Resource Department, )  
Mantralaya, Mumbai-32. )

4. **Chief Engineer,** )  
 Certified Project Divison, Sinchan Bhavan,) )  
 PUNE, Dist. Pune. )

5. **Superintending Engineer,** )  
 And Administrator, Kukdi Labhkshetra ) )  
 Vikas Mandal, PUNE, Dist. Pune. )

... **RESPONDENTS**

**W I T H**

**12. ORIGINAL APPLICATION NO. 978 OF 2019**

**DISTRICT : AHMEDNAGAR**

**Sahebrao s/o Kishanrao Bodkhe,** )  
 Age : 66 years, Occu. : Retired as Sub- )  
 Divisional Officer, Under the Office of Executive )  
 Engineer, Kukdi Irrigation Division No. 2, )  
 Shrigonda, Dist. Ahmednagar, )  
 R/o. Plot No. 3, Survey No. 39, Saint Namdeo )  
 Nagar, Pipelined Road, Ahmednagar, Dist. Ahmednagar.)

.... **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
 Through Principal Secretary, )  
 General Administration Department, )  
 Mantralaya, Mumbai-32. )

2. **The Principal Secretary,** )  
 Finance Department, )  
 Mantralaya, Mumbai-32. )

3. **The Principal Secretary,** )  
 Water Resource Department, )  
 Mantralaya, Mumbai-32. )

4. **Chief Engineer,** )  
 Jalsampada Vibhag, Sinchan Bhavan, )  
 PUNE, Dist. Pune. )

5. **Superintending Engineer,** )  
 Maharashtra Krishna Khore Vikas Mahamandal,) )  
 Sinchan Bhavan, PUNE, Dist. Pune. )

... **RESPONDENTS**

**W I T H**

**13. ORIGINAL APPLICATION NO. 979 OF 2019**

**DISTRICT : AHMEDNAGAR**

**Shivaji s/o Paraji Khetmalas,** )  
 Age : 65 years, Occu. : Retired as Sectional )  
 Engineer, Under the Office of Executive Engineer,)  
 Kukdi Irrigation Division No. 2, )  
 Shrigonda, Dist. Ahmednagar, )  
 R/o. Shivkrupa Apartment, Gulmohor Road, )  
 Sawedi, Ahmednagar, Dist. Ahmednagar. )

.... **APPLICANT****V E R S U S**

1. **The State of Maharashtra,** )  
 Through Principal Secretary, )  
 General Administration Department, )  
 Mantralaya, Mumbai-32. )
2. **The Principal Secretary,** )  
 Finance Department, )  
 Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
 Water Resource Department, )  
 Mantralaya, Mumbai-32. )
4. **Chief Engineer,** )  
 Jalsampada Vibhag, Sinchan Bhavan, )  
 PUNE, Dist. Pune-11. )
5. **Superintending Engineer,** )  
 Sinchan Bhavan, Mangalwar Peth, PUNE, )  
 Dist. Pune. )

... **RESPONDENTS****W I T H****14. ORIGINAL APPLICATION NO. 463 OF 2019****DISTRICT : AURANGABAD**

1. **Ravindra R. Hadoltikar,** )  
 Age : 59 years, Occu. : Retired, )  
 R/o. "Pushpakanchan", Sandesh Nagar, )  
 Garkheda Road, Aurangabad. )
2. **Ramesh Ramdas Maware,** )  
 Age : 58 years, Occu. : Retired, )  
 R/o. Plot No. 384, Sector-E, N-1, Cidco, )  
 Aurangabad. )

3. **Mohd. Aliuddin Azam,** )  
 Age : 66 years, Occu. : Retired, )  
 R/o. Float No. 2, VIP Sajeed Place, Near )  
 Head Post, Juna Bazar, Aurangabad. )

.... **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
 Through Secretary, )  
 Command Area Development Authority, )  
 Water Resources Department, )  
 Mantralaya, Mumbai-32. )
2. **The Chief Engineer and Chief Administrator,)**  
 Command Area Development Authority, )  
 Aurangabad. )
3. **The Superintending Engineer,** )  
 Beed Irrigation Project Circle, Parli (v), )  
 Dist. Beed. )
4. **The Superintending Engineer,** )  
 Small Scale Irrigation Circle, Aurangabad. )
5. **Chief Engineer,** )  
 Small Scale Irrigation, Maha. State Banglo )  
 No. 12, Jail Road, Pune. )
6. **The Executive Engineer,** )  
 Majalgaon Canal Division No. 4, Godri Road,) )  
 Gangakhed, Dist. Parbhani. )
7. **Executive Engineer,** )  
 Small Scale Irrigation Division, Garkheda, )  
 Aurangabad. )

... **RESPONDENTS**

**W I T H**

**15. ORIGINAL APPLICATION NO. 537 OF 2020**

**DISTRICT : AHMEDNAGAR**

- Sahebrao s/o Bhaguji Said-Patil,** )  
 Age : 66 years, Occu. : Retired as Sub- )  
 Divisional Officer, Under office of Executive )  
 Engineer, Minor Irrigation Division , Sangamner,) )  
 Tq. Sangamner, Dist. Ahmednagar. )  
 R/o. "Dnyaneshwari", Vinchur Road, Yeola, )  
 Tq. Yeola, Dist. Nashik. )

.... **APPLICANT****V E R S U S**

1. **The State of Maharashtra,** )  
Through Principal Secretary, )  
General Administration Department, )  
Mantralaya, Mumbai-32. )
2. **The Principal Secretary,** )  
Finance Department, )  
Mantralaya, Mumbai-32. )
3. **The Principal Secretary,** )  
Water Resource Department, )  
Mantralaya, Mumbai-32. )
4. **Executive Director,** )  
Godavari Marathwada Irrigation Development )  
Corporation Aurangabad, Jalna Road, )  
Aurangabad, Dist. Aurangabad. )
5. **Chief Engineer,** )  
North Maharashtra Region, Tryambak Road,) )  
Nashik, Dist. Nashik. )
6. **Administrator and Superintending Engineer,)** )  
CADA, Sinchan Bhavan, Fakirwad, )  
Aurangabad Road, Ahmednagar, Dist. Ahmednagar.)

... **RESPONDENTS**

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- APPEARANCE : Shri V.G. Pingle, learned counsel for the applicants in all these matters.
- : Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters.
- : Shri N.U. Yadav, learned counsel for respondent no. 5 in O.A. nos. 970 & 971/2019.
- : Shri Shamsunder B. Patil, learned counsel for respondent no. 5 in O.A. No. 975/2019 & for respondent no. 6 in O.A. No. 537/2020.
- : Shri D.T. Devane, learned counsel for respondent no. 5 in O.A. No. 976/2019.

: Shri S.B. Mene, learned counsel for respondent nos. 3 & 4 in O.A. No. 978/2019.

: Shri G.N. Patil, learned counsel for respondent nos. 3 & 6 in O.A. No. 463/2019.

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**CORAM** : **Justice Shri P.R. Bora, Vice Chairman**

**DATE** : **11.10.2023**

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### **ORAL ORDER**

Heard Shri V.G. Pingle, learned counsel for the applicants in all these matters, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters, Shri N.U. Yadav, learned counsel for respondent no. 5 in O.A. nos. 970 & 971/2019, Shri Shamsunder B. Patil, learned counsel for respondent no. 5 in O.A. No. 975/2019 & for respondent no. 6 in O.A. No. 537/2020, Shri D.T. Devane, learned counsel for respondent no. 5 in O.A. No. 976/2019, Shri S.B. Mene, learned counsel for respondent nos. 3 & 4 in O.A. No. 978/2019 and Shri G.N. Patil, learned counsel for respondent nos. 3 & 6 in O.A. No. 463/2019.

2. Learned C.P.O. seeks leave to tender affidavit in reply on behalf of respondent authorities in O.A. Nos. 967 &

975/2019. Learned counsel for the applicants has conceded for taking said replies on record. Same are therefore taken on record and copies thereof are supplied to other side.

3. Since all these Original Applications are filed by the respective applicants raising identical issues and claiming the identical reliefs, I have heard all these matters together and deem it appropriate to decide these applications by this common order.

4. The present applications are filed by the applicants claiming following prayers :-

*“(A) The Original Application may be allowed.*

*(B) By passing appropriate orders the respondents may kindly be directed to grant first promotional pay scale of Sub-Divisional Officer from 01.10.1994 instead of 01.08.2001 after completion of 12 years of service or as on 01.10.1994 and pay all consequential monetary benefits thereof to the applicant.*

*(C) By passing appropriate orders the respondents may kindly be directed to grant second promotional pay scale of Executive Engineer from 01.10.2006 after completion of 12 years of service from first promotional pay scale and pay all consequential monetary benefits thereof to the applicant.*

*(D) The respondent No. 3 may be directed to decide the applicant's pending representations dated 16.9.2019 and 07.10.2019, on the basis of order dated 25.02.2019 in W.P. No. 3377/2018 and order dated 06.02.2019 in W.P. No. 2605/2017 passed by the Hon'ble High Court as well as on the basis of orders passed by this Hon'ble Tribunal in O.A. No. 71/2017 and O.A. No. 764/2019.*

(D-3) The respondent No. 3 may kindly be ordered to grant admissible benefits of the Time Bound Promotion Scheme to the applicant from his upgradation as Sectional Engineer subject to outcome of the S.L.P. to be filed before Hon'ble Apex Court, in view of Circular dated 13.10.2020 issued by Water Resources Department by declaring that the post of Jr. Engineer not comes under Group-B (Non-Gazetted) and it comes under Group-C (Class-III).

(D-4) Order dated 26.10.2020 issued by respondent No. 3 may kindly be set-aside and admissible benefits of 01<sup>st</sup> and 02<sup>nd</sup> time bound promotion may be granted to the applicant in view of Circular dated 13.10.2020 issued by Water Resource Department on the basis of Circular dated 21.07.2020 issued by State of Maharashtra through Public Works Department by counting 12 years and 24 years' service of applicant from the date of his upgradation.

(E) Any other appropriate and suitable relief for which the applicant found entitle may kindly be granted in his favour."

5. The applications are admittedly filed on 16-10-2019.

From the pleadings in the applications it is revealed that the relief, which has been sought in all these applications, is based

on the judgment delivered by Hon'ble Bombay High Court in **Writ**

**Petition No. 1836/2014** with other writ petitions and order

passed by this Tribunal in **O.A. No. 71/2017 (Mahadeo S/o**

**Gangadhar Kandalgaonkar & Ors. Vs. the State of**

**Maharashtra & Ors.**). It is the grievance of the applicants that

the benefit of Assured Career Progression Scheme (for short

ACPS) was liable to be granted in their favour from an earlier

\*  
Corrected  
as per order  
dt 11/11/23.

\*  
Mahadeo  
Registrar  
7/11/23

date and failure on part of the respondents in doing so has resulted in causing monetary loss to the applicants.

6. When the present matters were taken up for hearing a specific query was made by the Tribunal whether the relief, which has been claimed in the present applications, was sought from the competent authority and whether the said authority has rejected the request of these applicants. Learned counsel for the applicants submitted that such representations were made on 16.9.2019, as well as, on 6.10.2019.

7. As I noted hereinabove, present O.As. are filed on 16.10.2019. Apparently the present O.As. appear to have been filed without availing the alternate efficacious remedy. Section 20 of the Administrative Tribunals Act, 1985 provides that a Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the efficacious remedies available to him under the relevant service rules as to redressal of grievances. I deem it appropriate to reproduce section 20, which reads thus :-

***“20. Applications not to be admitted unless other remedies exhausted.—***

*(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies*

*available to him under the relevant service rules as to redressal of grievances.*

*(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,—*

*(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or*

*(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.*

*(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be of one of the remedies which are available unless the applicant had elected to submit such memorial.”*

Section 21 is also relevant, which reads thus :-

**“21. Limitation.—** (1) A Tribunal shall not admit an application,—

*(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;*

*(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.*

*(2) Notwithstanding anything contained in sub-section (1), where—*

*(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and*

*(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court, the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.*

*(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”*

8. When it is the contention of these applicants that in view of the decision rendered in the aforesaid Writ Petition, they are entitled for the same relief, the said relief must have been first claimed by the applicants from the competent authority and only after receiving rejection from the said authority a right could have been accrued in favour of the applicants to approach this Tribunal. In the present O.As. there is no mention of any rejection or denial from the side of the respondents. Though it is the contention of the applicants that they had submitted representation they are admittedly on 16.9.2019 and 6.10.2019. It is thus evident that without waiting for reasonable time as has

been stipulated in section 20 of the Administrative Tribunals Act, 1985, the applicants approached this Tribunal. It has to be therefore held that though alternate efficacious remedy was available, without availing said efficacious remedy the applicants have approached this Tribunal and in the circumstances the present O.As. cannot be considered by this Tribunal.

9. Learned counsel sought to submit that during pendency of the present O.As. some Circulars were issued impliedly denying the claims of the applicants and accordingly amendment was sought by the applicants and now the said Circulars are also challenged in the present applications.

10. As has been contended in these Original Applications and as has also been submitted by the learned counsel appearing for the applicants the present applications filed by the applicants are based on the judgement delivered by the Hon'ble Bombay High Court in **Writ Petition No. 1836/2014** with other writ petitions and order passed by this Tribunal in **O.A. No. 71/2017** (cited supra). In the aforesaid decisions the Hon'ble Bombay High Court, as well as, this Tribunal, in identical facts situation held the applicants therein entitled for the benefit of ACPS from the date of their appointment. In premise of the

\* Corrected  
 OAs per order  
 dt. 4/11/23.  
 MS Subhadra  
 Kashi  
 7/11/23

\* 2009

pronouncement by the Hon'ble Bombay High Court, the applicants must have approached the competent authority seeking the benefit for which the Hon'ble Bombay High Court has held the similarly situated candidates entitled.

11. As has been noted by me hereinbefore, the applicants instead of approaching the competent authority have straightway approached this Tribunal by filing the present Original Applications. It has to be stated that the Administrative Tribunals Act, 1985 contains a specific provision U/s 20 thereof that unless alternate efficacious remedies are availed by the applicant, he may not approach the Administrative Tribunal. Had the applicants approached the competent authority bringing out to its notice that the Hon'ble Bombay High Court has held the candidates similarly situated alike the applicants entitled for the benefit of ACPS from the date of their appointment, most probably the competent authority would have considered the request of these applicants and, in the circumstances, the applicants may not have to indulge in filing the present O.As. before this Tribunal. The another reason behind making the specific provision as made under section 20 of the Administrative Tribunals Act, 1985 is that if the applicants are not entitled for the claim as made by them, the reason for denying such claim

comes on record before hand and then it is always easy to adjudicate the issue raised by the applicants.

12. Though it is the contentions of the applicants that they had submitted representations, perusal of the said representations demonstrate that it is made on 16.9.2019 and reminder is sent on 6.10.2019 and after filing of the said representations, without waiting for reasonable period as has been stipulated U/s 20 of the Administrative Tribunals Act, 1985, the applicants have approached this Tribunal. It has to be therefore held that though alternate efficacious remedy was available, without availing the said remedy the applicants have approached this Tribunal. In the aforesaid circumstances, the present Original Applications cannot be admitted by this Tribunal.

13. At this juncture, the learned counsel appearing for the applicants sought to submit that the applicants be given liberty to pursue the aforesaid remedy i.e. representations filed before the competent authority and in case the same are not considered within the given time or if the relief claimed therein is denied, to approach this Tribunal thereafter. It is the matter of record that the applicants have already preferred the

representations claiming the benefit of which they have claimed in the present O.As. In the aforesaid circumstances, I deem it appropriate to give liberty to the applicants as prayed by them to pursue their representations with the competent authority. Hence, without going into the merits of the contentions raised in the OAs, the present Original Applications are disposed of with the following order :-

**ORDER**

(i) The respondents shall decide the representations submitted by the present applicants on 16.9.2019 and 6.10.2019 on their own merits in light of the law laid down by the Hon'ble High Court in the decision rendered in **Writ Petition No. 1836/2014** with connected Writ Petitions, as well as, taking into account the order passed by this Tribunal in **O.A. No. 71/2017** within a period of 8 weeks from the date of this order.

(iii) Needless to state that if the dispute subsists even thereafter, the applicants are not precluded from taking legal recourse in accordance with law.

(iv) The Original Applications stand disposed of in above terms without any order as to costs.

**VICE CHAIRMAN**

*\* corrected as per order dt. 2/11/23.  
PWS initials  
Registrar  
7/11/23*