

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1073 of 2021 (S.B.)

Naresh Deoram Kawle,
aged 58 years, Occupation : retired,
resident of Plot No.68, Flat No.301, Om Sairam Apartment,
Nalode Layout, Behind Padole Hospital,
Nagpur- 440 022. [Mobile No.9921389065]

Applicant.

Versus

- 1] The State of Maharashtra,
through its Secretary, Revenue and Forest Department,
Mantralaya, Mumbai -32.
- 2] The District Collector,
Collector Office, Civil Lines, Nagpur. 440 001.

Respondents.

Shri Bharat Kulkarni, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 03/08/2023.

J U D G M E N T

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was appointed on the post of Talathi as per the order dated 08/01/1991. The applicant has completed 12 years of his service in the year 2003. He was granted first time bound promotion in the year 2003, w.e.f. 09/03/2003. The applicant was

entitled for second time bound promotion after completion of 12 years of service w.e.f. 01/10/2015, but instead of 01/10/2015 he was granted second time bound promotion w.e.f. 01/10/2016. Therefore, the applicant has approached to this Tribunal for direction to the respondents to correct the date of second time bound promotion w.e.f.01/10/2015 instead of 01/10/2016.

3. It is the case of the applicant that the respondents should have granted second time bound promotion w.e.f. 10/03/2015, but it is granted from 01/10/2016. Hence, he approached to this Tribunal for the following reliefs –

“(A) Hold and declare that the applicant is entitled to second time bound benefit on completion of 24 years of service w.e.f. 1.1.2015 instead of 1.1.2016 [i.e. after completion of 24 years] and direct respondent no.2 to make the second time bound benefit applicable to the applicant w.e.f. 1.1.2015 instead of 1.1.2016.

(B) Direct respondents to make the provisions of the Government Resolution dated 02.03.2019 applicable to the applicant by granting 3rd benefit from 01/01/2021 on completion (24+6)= 30 years service respectively with all consequential monetary benefits with arrears of pay and revision in pension.”

4. The O.A. is opposed by the respondents. It is submitted by the respondents that the C.Rs. of the applicant was not upto the mark and therefore he was not granted promotion w.e.f. 10/03/2015, therefore, the O.A. is liable to be dismissed.

5. From the perusal of the C.Rs. of the applicant from year 2012 to 2015, it appears that those C.Rs. were taken into consideration in the DPC for time bound promotion w.e.f. 01/10/2016. Those C.Rs. are the same by which he was granted second time bound promotion on 01/10/2016. The respondents should have granted second time bound promotion w.e.f. 01/10/2015. The applicant is entitled for second time bound promotion after completion of 12 years of service from the first time bound promotion w.e.f. 10/03/2015. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to grant second time bound promotion w.e.f. 10/03/2015 instead of 01/10/2016 and give all the financial benefits to the applicant within a period of three months.
- (iii) No order as to costs.

Dated :- 03/08/2023.

(Justice M.G. Giratkar)
Vice Chairman.

*dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/08/2023.