

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 226 of 2022 (S.B.)

Mrs. Pushpa wife of Krushnarao Yawale,
Aged about 70 years, Occupation - Retired Employee,
resident of Vilas Colony, Kathora Naka, Post V.M.V., Amravati,
Tahsil and District Amravati.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary, Education
Department, Mantralaya, Mumbai-32.
- 2) The State of Maharashtra, through its Secretary,
Finance Department, Mantralaya, Mumbai - 32.
- 3) The Deputy Director of education,
Amravati Division/Region, Tope Nagar,
Amravati.
- 4) The Principal, Government D.Ed. College(Men), Amravati,
Valgaon Road, Amravati.

Respondents.

**S/Shri D.M. Kale, Gazala Sheikh, S.M. Bhagde, S.R. Puddatwar,
Advs. for the applicant.
Shri A.M. Khadatkhar, learned P.O. for respondents.**

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

Dated :- 11/04/2023.

J U D G M E N T

Heard Shri D.M. Kale, learned counsel for the applicant
and Shri A.M. Khadatkhar, learned P.O. for the respondents.

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

The applicant was appointed as Assistant Teacher on 28/09/1983. The applicant was entitled to get 1st benefit under the time bound pay scale scheme on 28/09/1995. The Government of Maharashtra has decided to grant benefit of the 2nd time bound pay scale to its employees after completion of 24 years of service as per G.Rs. dated 01/04/2010 and 05/07/2010. The applicant has completed 24 years of service on 28/09/2007. But the respondents has passed impugned order dated 18/06/2018 stating that the gradation of CRs. of the applicant was not 'B+', but it was 'B' and therefore she is not entitled for grant of 2nd time bound promotion. It is the contention of the applicant that she was having 'B+' CRs., but it was not considered and wrongly the impugned order dated 18/06/2018 is passed by the respondents. Therefore, she has approached to this Tribunal for cancellation of the impugned order and direction to the respondents to grant 2nd time bound promotion.

3. Heard Shri A.M. Khadatkhar, learned P.O. for the respondents. The O.A. is strongly opposed by the respondents. It is submitted that the applicant was not having 'B+' C.Rs. and therefore she is not entitled to get 2nd time bound promotion. Therefore, the O.A. is liable to be dismissed.

4. During the course of arguments, the learned counsel for the applicant has pointed out the G.R. dated 05/07/2010. The clause (d) (4) of the G.R. dated 05/07/2010 reads as under –

“४. या आदेशानुसार यथास्थित पाहला अथवा दुसरा लाभ मंजूर केल्यानंतर ६ वर्षानी कमचा-याच्या गोपनीय अहवालाची तपासणी करण्यात यावी. या ६ वर्षातील त्याच्या गोपनीय अहवालातील त्याला अनुकूल असलेल्या कोणत्याही ३ गोपनीय अहवालांची सरासरी पाहल्या लाभाच्या प्रकरणी "ब" (चांगली) व दुसऱ्या लाभाच्या प्रकरणी "ब+" (निश्चित चांगली) असणे आवश्यक राहिल, गोपनीय अहवालांची ही सरासरी प्रतवारी प्राप्त न केल्यास तसेच, कमचारी वैद्यकीय अथवा अन्य कारणास्तव अपात्र ठरल्यास त्याला मंजूर करण्यात आलेला यथास्थित पाहला अथवा दुसरा लाभ काढून घेण्यात येईल व अशा लाभांची वसूली करण्यात येईल. सदर वसुलीची संपूर्ण जबाबदारी संबंधित आस्थापना अधिकाऱ्यांची राहिल.”

5. Learned counsel has also pointed out the documents filed by the respondents along with reply. The documents filed by the respondents itself show that the applicant was having 'B+' C.Rs. The impugned order shows that the applicant was not having 'B+' C.Rs., but she was having 'B' C.Rs. It appears that the impugned order was passed without considering the documents, i.e., the proceeding before the DPC. The document at page no.98 clearly shows that the applicant was having 'B+' C.Rs. The DPC come to the conclusion that the C.Rs. of the year 2006-2007 was not reviewed by the Reviewing Authority and therefore her C.Rs. were considered as 'B' and not 'B+'.

It is pertinent to note that the applicant was not at fault. It was duty of the concerned Officer to review the C.Rs. written by the appropriate authority. The documents filed on record show that she is having gradation of C.Rs. 'B+'. 'A+' of the year 2006-2007, 'B+' of the year 2007-2008 and 'B+' of the year 2008-2009 in average she was given 'B+' C.R. The document at page no.98 clearly shows that the applicant was having 'B+' C.Rs. to get the benefit of 2nd time bound promotion as per the G.R. dated 05/07/2010. Therefore, it appears that the impugned order is passed by the respondent no.3 is not proper. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to consider the claim of the applicant for grant of 2nd time bound promotion w.e.f. 28/09/2007 within a period of three months from the date of receipt of copy of this order.
- (iii) No order as to costs.

Dated :- 11/04/2023.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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 : 11/04/2023.