

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 229 of 2016 (S.B.)**

Ashok S/o Kamlakar Maheshgawali,  
Aged about 46 years, Occ. Retired,  
R/o Plot No.2, Sushree Apartment,  
New Subhedar Layout, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai-32.
- 2) Principle Chief Conservator of Forests,  
Maharashtra State, Seminary Hills,  
Nagpur.
- 3) Conservator of Forests,  
Yavatmal Circle, Yavatmal.

**Respondents.**

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**Shri A.S. Moon, Advocate for the applicant.**  
**Shri A.M. Ghogre, learned P.O. for respondents.**

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

**Dated :- 06/12/2022.**

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**JUDGMENT**

Heard Shri A.S. Moon, Id. counsel for the applicant and  
Shri A.M. Ghogre, Id. P.O. for the respondents.

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

The applicant was appointed on the post of Clerk in the year 1982. The applicant was not promoted, therefore, the applicant had challenged the order dated 27/12/2002. It is grievance of the applicant that adverse remarks / ACRs were not communicated to the applicant. Therefore, he has filed the present O.A. for following reliefs–

*“ (i) Quash and set aside the impugned orders / communication dated 21/06/2014 and 18/04/2015 issued by the respondent no.2, in the interest of justice ;*

*(ii) Direct the respondents to grant and consider the deemed date of promotion on the post of Accountant to the applicant w.e.f. 04/01/1988 along with consequential benefits with interest thereof in view of the proposed recommended by the respondent no.2 to respondent nos.1 and 2 in the interest of justice ”*

3. Heard Shri A.M. Ghogre, Id. P.O. for the respondents. He has strongly objected the O.A.

4. Heard Shri A.S. Moon, Id. counsel for the applicant. He has pointed out the Judgment of Hon'ble Supreme Court in the case of **Dev Dutt Vs. Union of India and Ors., (2008) 8 SCC,725**. The Hon'ble Supreme Court has held in para-44 as under –

*“44. We, therefore, direct that the 'good' entry be communicated to the appellant within a period of two months from the date of receipt of the copy of this judgment. On being communicated, the appellant may make the representation, if he so chooses, against the said entry within two months thereafter and the said representation will be decided within two months*

*thereafter. If his entry is upgraded the appellant shall be considered for promotion retrospectively by the Departmental Promotion Committee (DPC) within three months thereafter and if the appellant gets selected for promotion retrospectively, he should be given higher pension with arrears of pay and interest @ 8% per annum till the date of payment.”*

5. As per the submission of learned counsel for applicant Shri A.S. Moon, adverse remarks / ACRs of the year 1985-86 was not communicated to the applicant and therefore he could not give the explanation.

6. The learned counsel has relied on the Judgment of **Dev Dutt Vs. Union of India and Ors.** (cited supra). The Hon'ble Supreme Court has held that the entry in respect of the remark of “Good” shall be communicated to the appellant within a period of two months and opportunity be given to him to explain and thereafter the Departmental Promotion Committee (DPC) shall consider for promotion.

7. In view of the Judgment of Hon'ble Supreme Court, the following order is passed –

### **ORDER**

(i) The O.A. is partly allowed.

(ii) The respondents are directed to communicate the ACRs of the year 1985-86 to the applicant. Thereafter the applicant is at liberty to give his explanation and after giving opportunity to him if his C.R. is

found to be upgraded. The respondents may consider for promotion retrospectively by the DPC within a period of three months from the date of receipt of copy of this order.

(iii) No order as to costs.

**Dated** :- 06/12/2022.

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 : 06/12/2022.

Uploaded on : 07/12/2022.

\*ok