

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 237 of 2022 (S.B.)**

Rajesh S/o Shaligram Pande,  
Aged about 55 years, Occu: Service,  
R/o Plot No.5, Uday Nagar, Nagpur-24.

**Applicant.**

**Versus**

- 1) The State of Maharashtra through its  
Additional Chief Secretary,  
Social Justice and Special Assistance,  
Mantralaya, Mumbai-32.
- 2) The Commissioner of Social Welfare,  
Maharashtra State, 3, Church Path,  
Agarkar Nagar, Pune-411 001.

**Respondents.**

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**Shri R.M. Fating, Advocate for the applicant.**  
**Shri M.I. Khan, learned P.O. for respondents.**

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

**Dated :- 03/08/2023.**

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**J U D G M E N T**

Heard Shri R.M. Fating, learned counsel for the applicant  
and Shri M.I. Khan, learned P.O. for the respondents.

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

The applicant was initially appointed on the post of Social Welfare Officer (Class-II) on 20/05/1995. The applicant was promoted on the post of Assistant Director, Group-A (Class-I) as per the order dated 19/01/2002. Thereafter, the respondent no.1 regularized the temporary promotion on the post of Assistant Commissioner by giving

effect of regular promotion from 01/06/2008 (P-26). It is the case of the applicant that he was given second promotion in the year 2016. He was eligible to get promotion on 30/01/2014, but he was not granted time bound promotion on 30/01/2014. Therefore, he approached to this Tribunal for direction to the respondents to give time bound promotion w.e.f. 30/01/2014 on the post of Deputy Commissioner.

3. Heard Shri M.I. Khan, learned P.O. for the respondents. He has submitted that the claim of the applicant is not rejected. It is pending before the respondents, therefore, the O.A. is liable to be dismissed.

4. The learned P.O. has submitted that the temporary promotion was granted and it was regularized in the year 2008, therefore, he is entitled for time bound promotion from the date of regularization of temporary promotion.

5. The learned counsel for applicant has pointed out the decision of the M.A.T., Principal Bench, Mumbai in O.A.No.1090/2017,decided on 19/11/2018. In para-14, it is observed as under –

*“(14) Suffice to say, it is no more disintegra that the benefit of Time Bound Promotion / ACP Scheme needs to be extended considering the period from the date of initial appointment of the employee*

*rendered on ad-hoc basis. As such, the contention of the Respondents that the services of the Applicants has to be reckoned with from the date of regularization in service i.e. 01.09.1999 holds no water and their earlier period of service rendered on ad-hoc basis on 14.08.1989 to 31.08.1999 has to be considered while extending the benefit of Time Bound Promotion/ ACP Scheme.”*

6. As per above cited decision, next time bound promotion is to be counted from the date of temporary promotion. The date of regularization of temporary promotion cannot be taken into consideration while granting time bound promotion. The date of temporary promotion is to be taken into consideration. The applicant was temporarily promoted in the year 2002. Later on it was regularized. Therefore, he is entitled for time bond promotion in the year 2014. Hence, the following order –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The respondents are directed to grant time bound promotion w.e.f. 30/01/2014 till the next promotion (deemed date of promotion).
- (iii) The respondents are directed to revise the pay and to pay the benefits to the applicant within a period of three months.
- (iv) 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.