

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 160 of 2021 (DB)

- (1) Prashant S/o Prabhakar Deo,
Aged 45 years, Assistant Store Keeper,
Govt. ITI, Nagpur R/o Plot No.14, Indira Nagar,
Nagpur- 440 003 District Nagpur.
- (2) Krishna Motiramji Kamdi,
Aged about 47 years, Assistant Store Keeper,
Govt. ITI, Pawni, District Bhandara.
R/o Plot No.285, Gulmohar Nagar,
Bharatwada Road Kalmana, Nagpur,
- (3) Shekhar Jadhaorao Sathawane,
Aged about 39 years, Assistant Store Keeper,
Govt. ITI, Tiroda, District Gondia.
R/o Opp. Kothari Metal, Shivaji Ward, Station Road,
Bhandara.
- (4) Sumit Kanchan Bansod,
Aged about 32 years, Assistant Store Keeper,
Govt. ITI (Adiwasi), Chimur, District Chandrapur.
R/o Bhawani Ward, Bramhapuri.

Applicants.

Versus

- 1) State of Maharashtra,
through its Principal Secretary,
Skill Development, Employment & Entrepreneurship Department,
Mantralaya, Mumbai-32.
- 2) The Director of Vocational Education and Training,
3, Maha Palika Marg, Mumbai-400 001.

Respondents.

**S/Shri Bharat Kulkarni, S. Pande, Advocates for the applicants.
Shri H.K. Pande, learned P.O. for respondents.**

WITH

ORIGINAL APPLICATION No. 932 of 2021 (DB)

Yogeshkumar Dhanraj Shamkul,
Aged 45 years, Assistant Store Keeper,
Govt. ITI (Woman), Chandrapur, Distt. Chandrapur.

Applicant.**Versus**

1) State of Maharashtra,
through its Principal Secretary,
Skill Development, Employment & Entrepreneurship Department,
Mantralaya, Mumbai-32.

2) The Director of Vocational Education and Training,
3, Maha Palika Marg, Mumbai-400 001.

Respondents.

**S/Shri Bharat Kulkarni, S. Pande, Advocates for the applicants.
Shri H.K. Pande, learned P.O. for respondents.**

**Coram :- Hon'ble Shri Shree Bhagwan, Vice-Chairman.
And
Hon'ble M.A. Lovekar, Member (J).**

Date of Reserving for Judgment : 6th July,2022

Date of Pronouncement of Judgment : 28th July,2022

COMMON JUDGMENT**Per : Vice Chairman.**

(Delivered on this 28th day of July, 2022)

Heard Shri Bharat Kulkarni, learned counsel for applicants
and Shri H.K. Pande, learned P.O. for respondents.

2. Both the O.As. have common issue and reliefs of
applicants are the same. In view of this, both the O.As. are decided by
this common Judgment –

3. The applicants are Assistant Store Keeper / Store Clerk in
Nagpur Region Industrial Training Institute (in short "ITI"). The

grievance of the applicants is common and reliefs sought are also the same.

4. The applicants are aggrieved by inaction on the part of the respondents for not considering the representations for their promotion to the post of Store Keeper. The applicants were appointed in the year, 2004. The applicants are eligible for the post of Store Keeper, but in last 15 years from 2004 promotions are held up though the posts are available and vacant. The post of Store Keeper is excluded from review by the Review Committee in Govt. G.Rs. dated 29/05/2007 and 16/02/2009. The sanctioned posts are intact as the same are excluded in Review Committee. Therefore, the applicants believe that they are eligible for promotion to the post of Store Keeper.

5. The respondent no.2, i.e., the Director of Vocational Education and Training Department has filed reply on 3/9/2021. In Para-2, it is submitted that pursuant to the G.R. dated 10/09/2001 issued by the GAD, the proceedings for the sanctioned posts under the respondent no.2 were initiated in 2001. The action of filling the posts directly by nomination / promotion till the review of the posts is approved as directed by the GAD from time to time. It is further submitted that the Higher and Technical Education Department reviewed the posts under the Head 2230 : workers and services of

Directorate of Vocational Education and Training and internal office has been approved under the Govt. G.R. dated 30/9/2006.

6. Prior to review of the posts there were total 383 posts of Store Keeper under the respondent no.2. After the review of the posts, 301 posts came to be abolished and 82 posts were retained and 11 new posts of Store Keeper were made available. Thereafter, 5 more posts were made available under the Directorate. With reference to Nagpur Region, it is submitted that after the review of the posts of Store Keeper, there are total 12 sanctioned posts of Store Keeper. However, at present due to the stay, there are 20 employees currently working on the post of Store Keeper. Therefore, it is clear that there are 8 excess employees who are currently working on the post of Store Keeper under the Nagpur Region.

7. It is further submitted that though there are no posts of Store Keeper currently available for giving promotion to the applicants, rather 8 posts of Store Keeper are excess under the Directorate. However, Assistant Store Keepers like the applicants have been given the benefit of time bound promotion. Therefore, even if the applicants are working on the post of Assistant Store Keeper, they are getting the pay scale given to the post of Store Keeper.

8. In para-7, it is submitted that the posts of Store Keeper have been excluded under the Govt. G.R. dated 29/05/2007 issued by

the Higher and Technical Education Department. However the remaining posts have been directed to be processed as per the terms of the posts. The above decision has been upheld by the Govt. vide G.R. dated 16/02/2009, which clearly states that the stay in respect of Store Keepers' posts has been upheld. As a result, total sanctioned posts of Store Keeper after the review of post is less than the employees currently working on the post of Store Keeper, i.e., 20 Store Keepers are working against the sanctioned 12 posts of Store Keeper. In such situation, it is difficult for respondent nos.1 and 2 to promote the applicants to the post of Store Keeper. The applicants have filed rejoinder to the reply filed by the respondents and in para-2 they have submitted that adverse contents of para-1,2&3 are denied. It is submitted that the review of sanctioned posts by G.R. dated 30/9/2006 is made excluding the post of Store Keeper, because, stay is granted by the Govt. vide G.R. dated 16/02/2009 and the Director i.e. respondent no.2's letter dated 17/02/2009 and the stay is still continuing as on today for Store Keepers' posts.

9. In the rejoinder, the applicants have also admitted that in Nagpur region as on today 20 employees are currently working on the posts of Store Keeper, because of the stay against 12 sanctioned posts as per page no.2 of their rejoinder. Since the Govt. has decided vide its G.Rs. dated 29/5/2007 and 16/9/2009 to review the posts,

after the Review Committee meeting that posts of Store Keeper will be only 12. The State Government decided to review Staffing pattern regarding posts in any Government Department from time to time which is called "Akrutibandh". As per the review / "Akruibandh" the posts of Store Keeper have been reduced, therefore, the applicant cannot be promoted to the post of Store Keeper. However, they have been given benefit as per the Assured Career Progressive (ACP) Scheme as per the Government of GAD G.R. dated 8/6/1995 (P-116) regarding ACP. However, the G.R. dated 8/6/1995 (P-116) was effective from 1/10/1994 and first ACP was to be given after 12 years of service considering the last preceding five years' C.Rs. of the employee. If the employee is eligible for promotion, he will get first ACP and consequent to that he will get one step promotional pay scale i.e. almost next promotional post pay scale. The relevant portion of G.R. dated 8/6/1995 (P-116) is as under –

“ शासन सेवेत गट 'क' व 'ड' संदर्भात काही ठिकाणी पदोन्नतीच्या संधी उपलब्ध नाहीत, तर काही ठिकाणी अशा संधी उपलब्ध असल्यातरी पदोन्नती मिळण्यास प्रदीर्घ कालावधी लगतो. त्यामुळे कर्मचारी संघटनेतर्फे कालबद्ध पदोन्नतीची योजना राबवावी अशी मागणी सातत्याने करण्यात येत होती. केंद्र शासनाचे यासंबंधी निर्गमित केलेले कार्यालयीन ज्ञापन क्रमांक १० (१) /ई-३/८८, दिनांक १३ सप्टेंबर, १९९१ व तदनंतर वेळोवेळी केलेल्या सुधारणा व अन्य काही राज्य शासनांनी अंमलात आणलेली अशाच प्रकारणी योजना कर्मचारीवृंदाचे हित लक्षात घेवून राज्य शासकीय कर्मचा-यांसाठी देखील अंमलात आणण्याचा निर्णय शासनाने दिनांक २२ सप्टेंबर, १९९४ रोजी घेतला आहे.

२. (क) सरळ सेवेने प्रविष्ट झालेल्या अथवा पदोन्नतीने नियुक्त झालेल्या कर्मचा-यांच्या बाबतीत एकवेळ या योजनेअंतर्गत १२ वर्षांनंतरच्या नियमित सेवेनंतर वरिष्ठ वेतनश्रेणी अनुज्ञेय असेल.’’

10. Subsequently, vide Government G.R. GAD No.SRV 1095/pra.kra.1/95/12, Mantralaya, Mumbai dated 8/5/1992 (P-116), the applicants are given benefit of ACP after 12 years of service.

11. In fact, the applicants are not denied monetary benefits of Store Keepers' posts, but on the other hand they are given the benefit of the pay scale of the post of Store Keeper due to non availability of sanctioned posts of Store Keeper.

12. In view of discussions in above paras, no interference with the Government policy is warranted. Hence, the O.As. are dismissed. No order as to costs.

(M.A.Lovekar)
Member (J)

(Shree Bhagwan)
Vice Chairman

Dated :- 28/07/2022.

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 V.C. and Hon'ble Member (J).

Judgment signed on : 28/07/2022

Uploaded on : 29/07/2022