

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.228/2015.

(S.B.)

Moreshwar Ramchandra Gharat,
Aged about 52 years,
Occ-Service as Avval Karkun,
At Sindewahi Tahsil Office,
Sindewahi, Dist.Chandrapur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue & Forests,
Mantralaya Mumbai-400 032.
2. The Collector,
Chandrapur.

Respondents

Shri M.I. Dhattrak, the Ld. Advocate for the applicant.
Shri M.I. Khan, the Ld. P.O. for the respondents.

Coram:-Shri J.D. Kulkarni,
Vice-Chairman (J)

ORAL ORDER

(Passed on this 26th day of November 2018.)

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

2. The applicant has challenged the communication dated 12.12.2014 (A-9) (P.49) whereby the benefit of second time bound promotional pay scale has been rejected to the applicant on two grounds:- (i) he has not passed the qualifying examination and (ii) he has not crossed the age of 45 years and, therefore, has been exempted from passing that qualifying examination. Perusal of the pleadings of the applicant as well as the respondents makes it crystal clear that the applicant came to be appointed as Junior Clerk by respondent No.2 i.e. the Collector, Chandrapur on 27.5.1983 and benefit of first time bound promotional pay scale was granted to him on 27.5.1995. The applicant claims that he was entitled to the second time bound promotional pay scale on completion of further 12 years of service i.e. from 27.5.1997. During the pendency of the O.A., the applicant has been granted second time bound promotional pay scale w.e.f. 10.3.2008. It is stated that one Shri Gawade has been granted time bound promotional pay scale even prior to his attaining the age of 45 years and, therefore, Shri Gawade is junior to the applicant.

3. I have perused the notification dated 7.7.1999. The said G.R. is applicable from the date of notification i.e. 7.7.1999 and it has been made compulsory on the part of the employees to clear the

qualifying examination or to get it exempted from passing such an examination on attaining the age of 45 years for getting time bound promotional pay scale. In the O.A., the applicant has prayed for time bound promotional pay scale, but it was rejected by the respondents vide Annexure A-9. The learned counsel for the applicant submits that since the applicant has been appointed on 27.5.1983, notification dated 7.7.1999 is not applicable to the applicant. This argument cannot be accepted at all. As if it is accepted, then the applicant will not be entitled to any relief for time bound promotional pay scale. The applicant has admittedly not cleared the qualifying examination till today and he has crossed the age of 45 years on 10.3.1998. So in any case, the applicant was not entitled to be considered for second time bound promotional pay scale prior to 10.3.2008. In view of this, the communication dated 12.12.2014 seems to be legal and proper and there is absolutely no reason to interfere in the decision vide communication dated 12.12.2014 (A.9). The learned counsel for the applicant submits that Shri Gawade was granted time bound promotional pay scale even prior to attaining the age of 45 years. However, the case of Shri Gawade will not help the applicant, as it seems from the communication dated 12.12.2014 itself that Shri Gawade has passed the qualifying examination on 26.10.1999. The

learned counsel for the applicant also invited my attention to one communication dated 6th July 2012 (Page 34-A) whereby it was intimated by the Collector, Chandrapur to the applicant that his claim for time bound promotional pay scale cannot be granted, because he did not produce caste validity certificate. However, that communication will not help the applicant at all. As it is clear that the applicant has neither crossed the age of 45 years prior to 10.3.2008 nor he cleared the revenue qualifying examination, which are prerequisite for getting second time bound promotional pay scale and after crossing the age of 45 years on 10.2.2008, the applicant has been granted such benefit. I, therefore, do not find any merit in this O.A. Hence, the following order:-

ORDER

The O.A. stands dismissed with order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)

Dt. 26.11.2018.

