

THAKUR

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/2784 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date :

01.08.2016

ORIGINAL APPLICATION NO. 245 OF 2010.

(Sub :- Time Bound Promotion)

1. Shri Bandu N. Gavande, Since deceased heirs and legal Representatives,
1. Smt. Sushila B. Gavande, Widow of the Deceased Govt. Servant
2. Shri Nitin B. Gavande, Both are
R/o. Laxmi Narayan Bunglow, Kamat Wada, Jadhav Sankul, CIDCO,
Nasik.

....APPLICANT/S. (Heirs & Legal Representative of deceased Petitioner)

VERSUS

1. The Treasury Officer, District Treasury Office, Nashik.

...RESPONDENT/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the **01st** day of **August, 2016** has made the following order:-

APPEARANCE : Shri B.A. Bandiwadekar, Advocate for the Applicants.
Shri A.J. Chougule, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **01.08.2016.**

ORDER : Order Copy Enclosed / Order Copy Over leaf.

Amal
2/8/2016

**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A.245/2010

Shri B.N. Gavande ... Applicant

Vs.

The State of Mah. & ors. ... Respondents

This OA is now being prosecuted by the heirs and LRs of the deceased Applicant Shri B.N. Gavande (the said deceased hereinafter). The dispute relates to the date from which the Time Bound Promotion (TBP) became payable to the said deceased.

I have perused the record and proceedings and heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Shri A.J. Chougale, the learned Presenting Officer for the Respondents.

In fact, the present facts are exactly like the facts in OAs 1493/09, 1494/09 244/10 and 246/10 which came to be disposed of by me by a common Judgment rendered on 30th October, 2015. In fact, this OA was also tagged along therewith. But it could not be disposed of at that time because by then, the said deceased had already passed away and his heirs and LRs had to be brought on record. They have since been brought on record. No other arguments are advanced except for those that were advanced that time by both the sides, and therefore, this OA will have to be disposed of exactly in the same line as the fasciculus of those OAs.

This OA is accordingly allowed and it is held and declared that the said deceased Shri B.N. Gavande became eligible for being considered for the benefit of Time Bound Promotion from the date of completion of 12 years of service from initial appointment, regardless of the fact as to whether he cleared the departmental examinations within the time limit and attempts, etc. But the Respondents shall make sure that the said deceased was otherwise entitled to the said benefit. The compliance shall be made in every respect including the payment of arrears payable to the said deceased and reworking out of the pension and other retiral

[P.T.O.]

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

benefits, if it arises in view hereof. This OA is accordingly disposed of with no order as to costs.

As I proceed to pass the final order, the learned P.O. brings to my notice the fact that the Applicants are otherwise getting the pension, etc. In which connection, he places on record a communication received from District Treasury Office, Nashik to his Office dated 20.7.2016 and Annexures. The copies thereof be submitted on record.

sd/-

(R.B. Malik)
Member (J)
01.08.2016

(skw)

TRUE COPY

Masal
27/8/2016

Acct. Registrar/Research Officer
Maharashtra Administrative Tribunal
Mumbai.