

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 503/2016

Mr. Madhukar Shivram Ingle,
Aged about 58 years, Occ. Retd.,
R/o Central Jail Quarter, Wardha Road,
Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Additional Chief Secretary,
Home Department, Mantralaya, Mumbai-32.
- 2) Additional Director General of Police
and Inspector General of Prison, Pune.

Respondents

Shri S.C. Deshmukh, Advocate for the applicant.

Smt .M.A. Barabde, P.O. for the respondents.

Coram :- Hon'ble Shri R.B. Malik, Member (J).

Dated :- 15/02/2017.

ORAL ORDER -

The applicant by way of this O.A. seeks the relief of grant of second time bound promotion w.e.f. 4-1-2015 in accordance with the provisions of the G.R. dated 1-4-2010 along with interest.

2. I have perused the record and proceedings and heard Shri S.C. Deshmukh, the Id. counsel for the applicant and Smt .M.A. Barabde, Id. P.O. for the respondents.

3. The first respondent is the State of Maharashtra, Home Department and the second respondent is the Additional Director General of Police & Inspector General of Prisons, Pune. The applicant came to be appointed as Junior Clerk on 4-1-1991. He was given the first time bound promotion w.e.f. 4-1-2003. He was promoted as Senior Clerk on 17-3-2007. The applicant claims to have become entitled to the second time bound promotion w.e.f. 4-1-2015. My attention was invited in that behalf to the State Government's Notification of 1-4-2010 pertaining to the Assured Career Progressive Scheme in which the GAD G.R. of 8th June,1995 and the Finance Department G.R. of 20-7-2001 came to be referred to. The provision of Clause 2 (a) thereof was emphasised on behalf of the applicant.

4. The perusal of para-5 of the affidavit-in-reply sworn in by Shri Yogesh Dattatray Desai, Dy. Inspector General of Prisons, Eastern Region, Nagpur in fact in good measure needs to be fully reproduced so as to avoid any paraphrasing.

"It is submitted that, it is true that on 28-04-2015 this office gave second time bound promotion to 11 employees. The applicant's name did not figure in said list because his information regarding

this service record was not available with this office record. It is pertinent to note that when the applicant's name was not figured in the said list of 11 employees the applicant should have brought this fact to knowledge of this office".

5. In view of the above paragraph, in my opinion it is quite clear that 11 colleagues of the applicant, so similarly placed as he has already been given the second time bound promotion and the above quoted paragraph contains within itself, the reason as to why the applicant was left languishing if one might use that expression. In my opinion the applicant is entitled to the second time bound promotion on par with his colleagues so similarly placed and the fact that he has retired now will not come in the way of this relief being granted to him. I do not think any detailed discussion or any further consideration is really necessary in this particular matter. As of now I do not think it would be proper to saddle interest on the respondents, but needless to say that if within the time stipulated by me and the compliance was not made of this order stipulation of payment of interest will be made. Although there is no specific direction sought with regard to the consequential steps being taken but I think it is implicit in the main relief that is being granted herein.

6. The respondents are directed to consider and if found fit to grant second time bound promotion to the applicant strictly in accordance with the observations made herein above w.e.f. 4-1-2015

and to also work out the consequential benefits including the revision in pension and the cash amount if any due be paid over to him. The compliance be made within three months from today. It is made clear that in the event the compliance is not made within three months from today, the accrued amount found due to be paid to the applicant shall carry interest @ 12 % p.a. from the date of entitlement till actual payment. The O.A. is allowed in these terms, with no order as to costs.

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

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