

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 546 of 2021 (S.B.)

Mr Ajab s/o Devidas Dambhare,
Aged about- 65 years, Occ Retired Circle Officer,
R/o House No- 29, Siddarth Nagar,
Manewada Ring Road, Behind
Ranjana Smruti Lawn, Nagpur-27.

Applicant.

Versus

- 1) State of Maharashtra,
General Administration Department,
Mantralaya, Mumbai – 32 through its Secretary.
- 2) The Divisional Commissioner,
Nagpur Division, Civil Lines, Nagpur-01.
- 3) The Collector, Civil Lines, Nagpur-01.

Respondents.

Shri S.M. Khan, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

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

Dated :- 12/07/2023.

JUDGMENT

Heard Shri S.M. Khan, learned counsel for the applicant
and Shri V.A. Kulkarni, learned P.O. for the respondents.

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

The applicant was appointed as a Talathi on 09/12/1983.
The applicant has been given benefit of 1st time bound promotion
w.e.f. 01/10/2004 instead of 01/10/1996. Therefore, the applicant
approached to this Tribunal for direction to the respondents to grant

him 1st time bound promotion after completion of 12 years service from the date of initial posting.

3. The O.A. is strongly opposed by the respondents. It is submitted that the case of the applicant was put up before the Departmental Promotion Committee (DPC) and it was found in the DPC that the C.Rs. of applicant was not upto the mark to grant 1st time bound promotion w.e.f. 01/10/1996.

4. During the course of submission, the learned counsel for applicant Shri S.M. Khan has pointed out the C.Rs. of the applicant given in the Chart. In para-5 of the Chart, the marks of the applicant is mentioned as below -

| ACR YEAR | DURATION | PERIOD | GRADING | MARKS | MARKS AVERAGE (Year Wise) | AVERAGE |
|------------|--------------------------|---------|-------------|-------|---------------------------|---------|
| 1) 1990-91 | 01/04/1990 to 15/11/1990 | 8 Mts | B | 4 | 4 | 19.5/5 |
| | 16/12/1990 to 31/03/1991 | 3.5 Mts | B - | 3 | (1990-91) | |
| 2) 1991-92 | 01/04/1991 to 31/03/1992 | 6 Mts | B | 4 | 4 | = 4 |
| 3) 1992-93 | 01/04/1992 to 31/10/1992 | 7 Mts | B | 4 | 4 | ie B |
| | 09/11/1992 to 31/03/1993 | 5 Mts | B+ | 5 | 4.5 | |
| 4) 1993-94 | 01/04/1993 to 31/03/1994 | 12 Mts | B | 4 | 4 | |
| 5) 1994-95 | 01/04/1994 to 26/08/1994 | 5 Mts | Certificate | | 3 | |
| | 26/08/1994 to 31/03/1995 | 7 Mts | B- | 3 | (1994-95) | |

5. The learned counsel for applicant has pointed out the Judgment of Division Bench of this Tribunal in O.A.No.774/2019, decided 16/06/2022. The Chart in respect of the marks is also given in the Judgment. As per the findings of the Division Bench of this Tribunal, the average marks / C.Rs., is to be taken into consideration. If the average C.Rs. of the applicant is taken into consideration, then he is eligible to get 1st time bound promotion w.e.f. 01/12/1995. Now there is a settled principle that the 1st time bound promotion is to be granted after completion of 12 years of service from the date of initial appointment. Hence, the following order–

ORDER

(i) The O.A. is disposed of.

(ii) The respondents are directed to grant 1st time bound promotion to the applicant w.e.f. 01/12/1995.

(iii) No order as to costs.

Dated :- 12/07/2023.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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 : 12/07/2023.