

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 611 / 2019 (S.B.)**

Mr. Ratan Mansingh Suryawanshi,  
Aged about 52 years, Occ. Service,  
R/o 19-B, Vishwakarma Nagar,  
Nagpur (M.S.)

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through it's Additional Chief Secretary,  
Home Department,  
Mantralaya, Mumbai- 400 032,
- 2) Additional Director General of Police  
& Inspector General of Prison, Pune.

**Respondents**

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

**Shri A.M.Khadatkar, the Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri Shree Bhagwan, Vice Chairman.**

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**JUDGMENT**

**Judgment is reserved on 26<sup>th</sup> November, 2020.**

**Judgment is pronounced on 03<sup>rd</sup> December, 2020.**

Heard Shri S.C.Deshmukh, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. The applicant was appointed as "Rakshak" at Nagpur Central Prison on 23.12.1995 and he was promoted on the post of Clerk on 28.05.2003 (Annexure-A-3, P.B., Pg. No. 21) in the pay scale of Rs. 3050-75-3950-80-4590/-. He was granted first time bound promotion vide letter dated 12.07.2019 (Annexure-A-1, P.B., Pg. No. 12) after completion of 12 years in the rank of Clerk. Aggrieved with this order, applicant approached to this Tribunal.

3. During course of pleading, it appears that applicant was promoted on the post of Clerk on 28/05/2003 (Annexure-A-3, P.B., Pg. No. 21) as per Government G.R. dated 12.09.2003 (Annexure-A-8, P.B., Pg. No. 38) and at Pg. No. 40 at Sr. No. 1 "Rakshak" post is mentioned and its present pay is also mentioned as Rs. 2610-4000. Applicant aggrieved with the order dated 12.07.2019 (Annexure-A-1, P.B., Pg. No. 12) and approached to this Tribunal. This Tribunal in its order dated 03.03.2020; directed the Respondents to re-consider the applicant's case in view of the G.R. dated 01.07.2011 (Annexure-A-5, P.B., Pg. No. 27). Respondents have filed their decision vide letter dated 19.03.2020; which has been filed along with the pursis dated 26.11.2020 and it seems that 49 Respondents have maintained the same stand.

4. As discussed above, it is crystal clear that pay scale of "Rakshak" is Rs. 2610-4000/- and pay scale of Police Constable is Rs. 3050-4590/- which clearly indicates that the post of "Rakshak" and "Police Constable" are different and if any employee moves from "Rakshak" to "Police Constable" it means he/she is granted promotion before completing twelve years in previous post.

5. The Id. counsel for the applicant mainly relied upon the G.R. dated 01.07.2011 (Annexure-A-5, P.B., Pg. No. 27) and its provision at P.B., Pg. No. 30 in para no. 5. Respondents have replied to the original application and in para no. 3 (A) and 4 they have explained the contention of the applicant, para nos. 3 (A) and para no. 4 are reproduced below:-

*"3A. If he fulfilled the criteria for regular promotion, as the applicant has not completed continuous working on the post of Rakshak, therefore, after completion of 12 years, he was not given higher pay scale of nearest post of Hawaldar. The Respondent has rightly given the First Time Bound promotion to the applicant after he completed continuous 12 years service on the post of Clerk w.e.f. 31.05.2015, as applicant is working on the post of Clerk w.e.f. 31.05.2015, as applicant is working on the post of Clerk w.e.f. 28.05.2003 and completed his 12 years in 2015.*

*4. It is submitted that, as per the G.R. dated 01.04.2010 for giving Time Bound Promotion, it is necessary that, the employee must complete 12 years regular service on one post and if he does not get regular promotion in that event, the employee is entitled for Time Bound Promotion. In the present case the applicant worked on the post of Rakshak only for 7 years and 5 months thereafter w.e.f. 23.05.2003 he worked on the*

*post of Clerk and the Respondent has rightly given 1<sup>st</sup> Time Bound Promotion benefit to the applicant w.e.f. 31.05.2015."*

6. In view of discussions in above paras, it is crystal clear that applicant was appointed as a "Rakshak" on 23.12.1995 and as per reply of para no. 3 (A) and 4, respondents have given first promotion w.e.f. 31.05.2005. Since, applicant completed 12 years in the rank of Clerk on the relevant date after promotion on 23.05.2003 as a Clerk.

7. In view of discussion in foregoing paras, I do not find any reason to interfere with the impugned order dated 12.07.2019 (Annexure-A-1, P.B., Pg. No. 12) and order dated 19.03.2020. Hence the O.A. requires to be dismissed; so following orders:-

### **ORDER**

1. O.A. is dismissed.
2. No order as to costs.

**(Shri Shree Bhagwan)  
Vice Chairman**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.  
Court Name : Court of Hon'ble Vice Chairman.  
  
Judgment signed on : 03/12/2020.  
and pronounced on  
  
Uploaded on : 04/12/2020.