

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 632 of 2022 (S.B.)**

Muktyarsing S/o Pundlik Ingle,  
Retired Milk Procurement Supervisor,  
Age 69 years, R/o Ward No.5, Near Dr.Gupta Hospital,  
At Taluka- Chikhli, District Buldana.

**Applicant.**

**Versus**

- 1) State of Maharashtra, through its Principal Secretary,  
Agriculture, Animal husbandry,  
Dairy development and Fisheries Department,  
Mantralaya, MUMBAI, 32.
- 2) The Commissioner of Dairy Development,  
Administrative Building Warli, Sea face,  
Abdul Gaffar Khan Marge, Warli, MUMBAI.
- 3) The Regional Dairy Development Officer,  
Congress Nagar, AMRAVATI.
- 4) Manager,  
Government Milk Scheme, AKOLA

**Respondents.**

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**Shri Bharat Kulkarni, Sunil Pande, Advocates for the applicant.**  
**Shri M.I. Khan, learned P.O. for respondents.**

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

**Dated :- 18/07/2023.**

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**JUDGMENT**

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

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

The applicant was working as a Milk Procurement Supervisor in the office of respondent no.4. The respondent no.3 had issued order for grant of second time bound promotion vide order dated 11/04/2011. The name of applicant is at Sr.No.17. The applicant is retired on 28/02/2011. The applicant is aggrieved by wrong action of respondent no.3 for withholding payment of benefit for the reason that he has not produced caste validity certificate (VJ/NT). As per the Govt. G.R. 30/07/2013 the applicant is not required to submit caste validity certificate, because, he is already retired. Hence, non-payment of amount of 2<sup>nd</sup> time bound promotion is not legal and correct. Therefore, the applicant approached to this Tribunal for direction to the respondents to give benefit of 2<sup>nd</sup> time bound promotion.

3. The O.A. is strongly opposed by the respondents. It is submitted that the applicant is retired on 28/02/2011. His posting was in the reserved category, therefore, he should have produced the caste validity certificate. The applicant has not produced caste validity certificate, hence the applicant is not entitled to get benefit of 2<sup>nd</sup> time bound promotion.

4. During the course of submission, the learned P.O. Shri M.I. Khan has pointed out the Judgment of M.A.T., Principal Bench, Mumbai in O.A.1291/2021 and submitted that the present O.A. is time

barred. In the cited Judgment, it appears that the applicant made representation from time to time and lastly he approached to the Tribunal. In the cited Judgment, in para-4 it is specifically submitted by the side of Appointing Authority that the said applicant refused the promotion and therefore he is not entitled for time bound promotion.

5. In the present case, there is no question of any refusal of promotion by the applicant. The applicant is already retired in the year 2011. The respondents have granted 2<sup>nd</sup> time bound promotion as per the order dated 11/04/2011. He is retired on 28/02/2011. The respondents have already granted time bound promotion as per the order dated 11/04/2011, the name of applicant is at Sr.No.17. One of the employee Shri S.G. Pawar was granted the said benefit. He was also not granted the said benefit on the ground that he had not produced caste validity certificate, but subsequently as per the order dated 02/06/2018 Shri S.G. Pawar was granted 2<sup>nd</sup> time bound promotion. From the perusal of the order in respect of Shri S.G. Pawar, it appears that Shri Pawar had not produced any caste validity certificate, therefore, his time bound promotion was withheld, but as per order dated 02/06/2018 subject to the decision of Hon'ble Supreme Court in SLP No.19919/2017, he was granted the benefits. The Para-2 of the order dated 02/06/2018 reads as under –

“परंतू तदनंतर सामान्य प्रशासन विभागाचे परिपत्रक क्र. बिसीसी-2012/ प्र.क्र.332/12/ 16-ब / दिनांक 30 जुलै 2013 चे परिच्छेद क्र.2 नुसार दिनांक 30-6-2013 पर्यंत सेवानिवृत्त झालेल्या कर्मचा-यांना जात प्रमाणपत्राची पडताळणी करण्यासाठी जात प्रमाणपत्र पडताळणी समितीकडे अर्ज सादर करण्याची आवश्यकता नसल्याचे शासनाकडून स्पष्ट करण्यात आले आहे. त्यामुळे श्री.श्री.ग.पवार हे दिनांक 31-1-2013 रोजी सेवानिवृत्त झाले असल्याने मा. सर्वोच्च न्यायालयातील विशेष अनुमती याचिका क्रं. 19919/2017 च्या निर्णयाच्या अधिन राहून श्री.श्री.ग. पवार यांना या कार्यालयाचे आदेश क्रं 951 दिनांक 11-4-2011 अन्वये दिनांक 1-10-2006 पासून प्रदान करण्यात आलेला दुसरा लाभाचे अनुषंगाने म.शा. वित्त विभाग शासन निर्णय क्र. वेतन -1109/प्र.क्र.41/सेवा-3/दिनांक 5 जुलै, 2010 मधील परिच्छेद क्रं. 3 मधील तरतुदीनुसार संबंधिताची दिनांक 1-10-2006 ते 31-3-2010 पर्यंत काल्पनिकरित्या वेतन निश्चिती करून प्रत्यक्ष लाभ दिनांक 1-4-2010 पासून मंजूर करण्यात यावा. मात्र दिनांक 1-10-2006 ते 31-3-2010 पर्यंतच्या कालावधीतील थकबाकी संबंधितास अनुज्ञेय राहणार नाही.

तरी संबंधिताचे सदरील प्रकरणी वरीलप्रमाणे आवश्यक ती कार्यवाही त्वरीत करण्यात यावी व संबंधितास त्याप्रमाणे कळविण्यात यावे. ”

6. The learned counsel for applicant has pointed out the G.R. dated 30/07/2013. The para-2 and 3 of the G.R. are reproduced below—

“२. दिनांक ३०.६.२०१३ पर्यंत सेवा निवृत्त झालेल्या मागास प्रवर्गातील (अनुसूचित जाती, विमुक्त जाती, भटक्या जमाती, विशेष मागास प्रवर्ग आणि इतर मागास प्रवर्ग) सेवानिवृत्त अधिकारी / कर्मचाऱ्यांना जात प्रमाणपत्राची पडताळणी करण्यासाठी, जात प्रमाणपत्र पडताळणी समितीकडे अर्ज करण्याची आवश्यकता नाही.

३. अनुसूचित जमाती प्रवर्गातील दिनांक ३०.६.२०१३ पर्यंत सेवा निवृत्त झालेल्या अधिकारी / कर्मचाऱ्यांना जात प्रमाणपत्राची पडताळणी करण्यासाठी, जात प्रमाणपत्र पडताळणी समितीकडे अर्ज करण्याची आवश्यकता नाही. तथापि, अनुसूचित जमातीच्या प्रमाणपत्राच्या आधारे दि. १५ जून १९९५ पूर्वी शासन सेवेत नियुक्त झालेल्या व दिनांक १५ जून १९९५ नंतर, अनुसूचित जमातीचे वैधता प्रमाणपत्र नियुक्ती प्राधिकाऱ्याला सादर न करता, दिनांक ३०.६.२०१३ पर्यंत सेवानिवृत्त झालेल्या अधिकारी / कर्मचाऱ्यांनी ते ज्या मागास प्रवर्गाचे आहेत त्या मागास प्रवर्गाचे शपथपत्र व अनुसूचित जमातीचे मूळ जात प्रमाणपत्र ते ज्या कार्यालयातून सेवानिवृत्त झालेले आहेत, त्या कार्यालय प्रमुखाकडे दि. ३० सप्टेंबर, २०१३ पर्यंत जमा करावे व त्याबाबतची पोचपावती संबंधित अधिकाऱ्यांकडून घ्यावी.”

7. As per the said G.R., the employees who retired before 30/06/2013 need not to produce any caste validity certificate. The applicant retired on 28/02/2011 and therefore he was not required to produce any caste validity certificate. Hence, withholding the time bound promotion which was granted as per the order dated 11/04/2011 is not legal and proper.

8. The order of granting 2<sup>nd</sup> time bound promotion dated 11/04/2011 is after the retirement of the applicant. No any objection was raised by the DPC or Appointing Authority. His case was considered for 2<sup>nd</sup> time bound promotion and he was granted the same, but it was withheld only on the ground of non production of caste validity certificate. As per the G.R. dated 30/07/2013 the applicant was not required to produce any caste validity certificate.

Hence, withholding the 2<sup>nd</sup> time bound promotion on the ground of non production of caste validity certificate is not legal and proper. Hence, the following order –

**ORDER**

(i) The O.A. is partly allowed.

(ii) The respondents are directed to grant benefit of 2<sup>nd</sup> time bound promotion as per the order passed by the respondents dated 11/04/2011 within a period of three months from the date of receipt of this order.

(iii) No order as to costs.

**Dated** :- 18/07/2023.

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 : 18/07/2023.