

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH NAGPUR**

ORIGINAL APPLICATION NO 808 OF 2016

DISTRICT : WASHIM

1. Shreeram s/o Ananda Gid)
2. Santosh s/o Rajaram Tadas)
3. Gajajan s/o Dattarao Malas)
4. Bhagwat s/o Baliram Pund)
5. Dewanand s/o Uttamrao Wamkhede)
6. Shrirang s/o Punjaji Chavre,)
7. Sandipo s/o Shivaji Jadhav)
8. Gopal s/o Shankar Bhavar)
9. Ku. Saraswati d/o Shankar Rahate)
10. Maroti s/o Sakharam Khobragade)
11. Pramod s/o Pralhad Ukarde)
12. Santosh s/o Ramdas Kale)
13. Keshav s/o Daulat Borade)
14. Dipak s/o Sadashi Patekhede)
15. Dilipo s/o Gulabrao Wayal)

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16. Ku. Archana d/o Pralhad Joshi)
C/o Shri N.S Bade, advocate for)
the Applicants, M.A.T, Nagpur)...**Applicants**

Versus

1. The State of Maharashtra)
Through its Principal Secretary,)
Agriculture, Animal Husbandry,)
Dairy Development and Fisheries)
Department, Mantralaya,)
Mumbai - 32.)
2. The Divisional Joint Director,)
of Agriculture, Amravati Division,)
Amravati.)...**Respondents**

Shri N.S Bade, learned advocate for the Applicant.

Shri A.P Potnis, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 10.03.2017

ORDER

1. Heard Shri N.S Bade, learned advocate for the Applicant and Shri A.P Potnis, learned Presenting Officer for the Respondents

2. The Applicants in this Original Application are working as Agriculture Assistants and are seeking Time Bound Promotion in the pay scale of Agriculture Supervisor after 12 years of continuous service, without considering the upgradation in pay after 7 years of service.

3. Learned Counsel for the Applicants argued that this issue has already been decided by the judgment dated 21.4.2015 delivered by the Mumbai Bench of this Tribunal in O.A nos 233, 1000 to 1003/2013. It was held by this Tribunal that:—


“ 19. The first benefit of A.C.P Scheme should be granted to the applicants on completion of 12 years of service, if they fulfill the condition for first benefit. That their scales were revised by way of G.R dated 8.12.1994 should not deprive them of the said benefit and it should not be considered as the first benefit”.



Learned Counsel for the Applicants argued that the Applicants are similarly situated persons and are fully covered by the aforesaid judgment of the Mumbai Bench of this Tribunal.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondents that the aforesaid order of Mumbai Bench of this Tribunal is challenged before the Hon'ble Bombay High Court, by filing Writ Petition nos 2374/2016, 2418/2016, 2419/2016 and 2420/2016, which are still pending. Learned Presenting Officer contended that the benefits of A.C.P Scheme has been extended to the Applicants in O.A nos 1000-1003/2013 subject to the outcome of the Writ Petitions pending in the Hon. High Court. The Applicants should, therefore, wait for the outcome of the Writ Petitions.

5. It is an admitted fact that the issue regarding extending benefit of Time Bound Promotion to the Agriculture Assistants after 12 years of service has been decided by the Mumbai Bench of this Tribunal in O.A nos 233, 1000-1003/2013. It is also admitted that present Applicants are covered by the aforesaid judgment of this Tribunal. Hon'ble High Court has not granted any stay. The Applicants in this Original Application are, therefore, entitled to the same reliefs as granted to the Applicants in the aforesaid Original Applications. At the most, their Time Bound Promotion can be extended to them subject



to the outcome of pending Writ Petitions before Hon'ble High Court.

6. Having regard to the aforesaid facts and circumstances of the case, impugned order dated 24.2.2016 issued by the Respondent no. 2 is quashed and set aside. The Applicants will continue to get the benefits granted by order dated 24.2.2016 subject to the outcome of Writ Petitions pending in the Hon'ble High Court on this issue. This Original Application is allowed accordingly with no order as to costs.

sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Nagpur
Date : 10.03.2017
Dictation taken by : A.K. Nair.