

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 897 of 2021 (S.B.)**

Sharadchandra Vishwanathappa Bodhekar,  
Aged 62 years, Occupation: Retired,  
R/o. Bodhekar Emporium, Mahatma Basweshwar Chowk,  
At Post & Taluka Chikhali, District Buldhana.

**Applicant.**

**Versus**

- 1) State of Maharashtra through its Secretary,  
Urban Development Department, Fourth Floor,  
Main Building, Madam Kama Marg,  
Hutatma Rajguru Chowk, Mantralaya, Mumbai- 400032.
- 2) The Director,  
Town Planning and Valuation,  
Maharashtra State, Pune.

**Respondents.**

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**Shri R.M. Fating, Advocate for the applicant.**

**Shri A.M. Khadatkhar, P.O. for respondents.**

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

**Dated :- 13/03/2024.**

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**J U D G M E N T**

Heard Shri R.M. Fating, learned counsel for applicant and  
Shri A.M. Khadatkhar, learned P.O. for respondents.

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

The applicant was appointed in the year 1980 on the post  
of Planning Assistant. Thereafter, he was promoted on 31/12/1990 on

the post of Town Planner. The applicant rendered service upto 2009. The applicant took Voluntary Retirement Scheme (V.R.S.) and he retired on 30/11/2009. The respondents have not granted Assured Career Progression Scheme (in short "ACPS") / Time bound promotion (in short "TBP") as per the scheme of the Government. The applicant is praying for direction to the respondents to grant ACPS / TBP after completion of 12 years of service from the date of initial appointment and therefore approached to this Tribunal for the following reliefs –

*"(14) (i) Declare that the Applicant is entitled for getting the benefit of Assured Career Progression Scheme (ACPS) w.e.f. 01.01.2003;*

*(ii) Quash and set aside the impugned communication dated 05.04.2021(Annexure-A18) issued by respondent no.1, in the interest of justice;*

*(iii) Direct the Respondent No.1 to sanction benefit of Assured Career Progression Scheme(ACPS) w.e.f. 01.01.2003 to the Applicant, in view of provision in para 2(4) of G.R. dated 20.07.2001, thereby removing stagnation of promotion upon completion of 12 years continuous service as Town Planner;*

*(iv) Direct the respondent to pay all consequential benefits arising out of pay fixation towards time bound promotion and interest accrued thereon for delayed payment, in the interest of justice."*

3. During the course of submission, respondent nos.1 and 2 have filed reply and denied the contention of the applicant. It is submitted that the applicant is retired in the year 2009 and therefore

he cannot claim the benefit as per the Notification / G.R. dated 01/08/2011. At last, submitted that the O.A. is liable to be dismissed.

4. The learned counsel for applicant has pointed out the decision of the Hon'ble Bombay High Court, Nagpur Bench in Writ Petition No.524/2007, decided on 02/05/2017. The Hon'ble High Court has held that this Tribunal has decided the O.A. which was challenged before the Hon'ble High Court. This Tribunal has granted the benefit of pay scale w.e.f. 01/01/1981. The said order was challenged in Writ Petition No.524/2007, decided on 02/05/2017. The Hon'ble High Court come to the conclusion that the order passed by this Tribunal is perfectly legal and correct and therefore the Writ Petition is dismissed.

5. The applicant is now only claiming the benefit as per G.R. dated 20/07/2001. The applicant is retired in the year 2009. The applicant is entitled to get the benefit as per the said G.R. Hence, the following order –

### **ORDER**

(i) The O.A. is allowed.

(ii) The respondents are directed to give Assured Career Progression Scheme / Time bound promotion as per the G.R. dated 20/07/2001 to the applicant, if he is eligible / entitled and fulfils the criteria as per the G.R. dated 20/07/2001.

(iii) The order shall be complied within a period of three months from the date of receipt of this order.

(iv) No order as to costs.

**Dated** :- 13/03/2024.

**(Justice M.G. Giratkar)  
Vice Chairman.**

dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 13/03/2024.