

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION 994 OF 2015

DISTRICT : PALGHAR

Smt Ulka W/o Ulhas Hatkar,)
Age : 60 years, Pensioner,)
R/o D-301, Vishnu C.H.S,)
Agashi Road, Behind Kamanwala)
Society, Virar [W], Dist-Palghar.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Finance Department,)
Mantralaya, Mumbai 400 032.)
2. The Secretary,)
Agriculture, Animal Husbandry)
Dairy Development & Fisheries)
Department, Mantralaya,)
Mumbai 400 032.)...**Respondents**



Shri S.B Gaikwad, learned advocate for the Applicant.

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 29.06.2016

ORDER

1. Heard Shri S.B Gaikwad, learned advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant who was initially appointed as Clerk-cum-typist on 1.8.1983 by the General Manager, Greater Bombay Milk Scheme, Mumbai and who was declared surplus and absorbed in Mantralaya from 1.8.2006, and retired on 31.1.2014. The Applicant has challenged order dated 13.5.2014 of the Respondent no. 2 denying her the benefit of Time Bound Promotions after 12 and 24 year of service.

3. Learned Counsel for the Applicant argued that the Applicant was appointed as Clerk-cum-typist on 1.8.1983 by the General Manager, Greater Bombay Milk

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Scheme, Mumbai and worked in this capacity till her absorption in Mantralaya cadre w.e.f 1.8.2006. Government have introduced Time Bound Promotion Scheme by G.R dated 8.6.1995 and an employee who could not get regular promotion was granted Time Bound Promotion after 12 years of continuous service and given pay scale of the promotional post. The Applicant was eligible to get first Time Bound Promotion w.e.f 1.8.1995. However, the Applicant was granted the benefit from 1.12.2006 on the ground that her services were regularized on 1.12.1994 and before that she was appointed on ad-hoc basis without reference to the Maharashtra Public Service Commission (M.P.S.C) and that service would not count for Time Bound Promotion. Learned Counsel for the Applicant stated that this Tribunal by judgment dated 20.2.2013 in a group of O.A nos 481 to 596/2012 etc has held that if the ad hoc services of an employee were regularized, for Time Bound Promotion, service before regularization would be considered. Hon'ble Bombay High Court in a group of Writ Petitions no 9051/2013 etc. by judgment dated 28.4.2016 has upheld the judgment of this Tribunal and the services from the date of initial appointment have been held eligible for counting for Time Bound Promotion. Only requirement is that ad hoc services of an employee should have been regularized at some stage.

4. The Applicant has not furnished any details of her service from 1.8.1983, till regularization by G.R dated 1.12.1994 from the date of issuance of the aforesaid G.R. However, from para 6 of the affidavit in reply dated 29.1.2016, filed by the Respondent no. 2, it is admitted that her temporary service from 1.8.1983 till regularization was without break and it has been treated as qualifying service for pension. The Applicant appears to be eligible for Time Bound Promotion after 12 years of service from 1.8.1983 in terms of G.R dated 8.6.1995. She also appears to be eligible for second benefit of Assured Career Progression Scheme after completion of 24 years of service.

5. The Respondents are accordingly directed to reconsider the case of the Applicant in the matter of grant of Time Bound Promotion / benefit under the Assured Career Progression Scheme counting her service from the date of her initial appointment as discussed above. This Original Application is allowed accordingly with no order as to costs.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 29.06.2016
Dictation taken by : A.K. Nair.