

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 498 OF 2013**

**DIST.: LATUR**

**Shri Shivraj Digambar Hawanna,**

Age: 57 Years, Occu: Service,

R/o. Ropwan Kotwal, Socila Forestry Dept.

Udgir, Tq. Udgir, Dist. Latur. --

**APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,**  
(Copy to be served on C.P.O. MAT Aurangabad)

2. **The Chief Conservator of Forest,**  
Regional Office, Aurangabad.

3. **The Dy. Chief Conservator of Forest,**  
Aurangabad.  
**(Respondent no. 3 is deleted as per  
order dated 7.1.2013)**

4. **The Dy. Director of Social Forestry,**  
Division, Latur.

5. **The Jt. Director, Social Forestry**  
(Wanwrut), Aurangabad. -- **RESPONDENTS**

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**APPEARANCE** : Shri Kakasaheb B. Jadhav, learned  
Advocate for the Applicant.

: Shri V.R. Bhumkar, Learned Presenting  
Officer for the Respondents.

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**CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)**  
**AND**  
**HON'BLE SHRI B.P. PATIL, MEMBER (J)**

**DATE : 04.08.2017.**

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**ORDER**

[Per- Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)]

1. Heard Shri Kakasaheb B. Jadhav, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging the order dated 8.4.2011 issued by the Respondent No. 2 denying him second benefit of the Assured Career Progression Scheme, as he had not submitted cast validity certificate.

3. Learned Advocate for the Applicant argued that the Applicant was appointed on 15.07.1982 as Ropwan Kotwal and was granted Time Bound Promotion on 24.09.1997 in terms of G.R. dated 8.6.1995 w.e.f. 01.10.1994, as he completed 12 years of service on 15.07.1994. By G.R. dated 1.4.2010, second benefit of Assured Career Progression Scheme was made applicable and the Applicant was eligible to get that benefit from 15.07.2006. There is no provision in G.Rs. dated 8.6.1995, 20.07.2001 or 1.4.2010 making it mandatory to produce

Caste Validity Certificate, before a person can be granted Time Bound Promotion or first/second benefit under Assured Career Progression Scheme. As such, the order dated 8.4.2011 is bad in law and unsustainable.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that an employee, who has entered Government service on the basis of Caste Certificate of a backward class, is required to produce Caste Validity Certificate under the Maharashtra Scheduled Castes, Scheduled Tribes, Vimukta Jatis, Denotified Tribes, Other Backward Classes and Special Backward Category (Granting of Caste Certificate and Validation of Caste Certificate Regulation) Act, 2000. Under that Act, it is the responsibility of a backward class employee to produce Caste Validity Certificate. As per Government Circular dated 8.4.2011, it is made mandatory to produce Caste Validity Certificate for promotion. Both the G.Rs. dated 8.6.1995 and 1.4.2010 make it clear that an employee is eligible to get Time Bound Promotion/benefit of Assured Career Progression Scheme only if he fulfills all the conditions for regular promotion.

A backward class employee is not eligible to get regular promotion unless and until he has produced Caste Validity Certificate. As such for getting benefit of Assured Career Progression Scheme also, a backward class candidate has to produce Caste Validity Certificate. The present Applicant has not produced the Caste Validity Certificate till his retirement on 30.6.2012. If he wanted benefit of G.R. dated 1.4.2010, he has sufficient time to produce Caste Validity Certificate. The Applicant is now trying to get benefit out of his own mistake in not producing the Caste Validity Certificate in time.

5. The Applicant claims that production of Caste Validity Certificate is not mandatory for getting Time Bound Promotion. In G.R. dated 20.07.2001, which replaced the Time Bound Promotion Scheme introduced by G.R. dated 8.6.1995 by the Assured Career Progression Scheme, has the following provision, in para 2(5):

*“(५) या योजनेअंतर्गत पदोन्नतीच्या पदाची वेतनश्रेणी देय ठरविली असल्याने वरिष्ठ वेतनश्रेणी मिळण्यासाठी पदोन्नतीच्या पदाकरिता विहित केलेली अर्हता, पात्रता, ज्येष्ठता, अर्हता परिक्षा, विभागीय परिक्षा या सर्व बाबींची पूर्तता करणे तसेच पदोन्नतीची कार्यपध्दती अनुसरणे आवश्यक राहिल. जेथे या शासन निर्णयासोबतच्या परिशिष्टातील वेतनश्रेणी मंजूर करण्यात येईल तेथे गोपनीय अहवालाच्या आधारे पात्रता तपासण्यात यावी.”*

6. G.R. dated 1.4.2010 in para 2(D) has the following provision:-

“२.(ड) योजनेच्या दुसऱ्या लाभासाठी पात्रतेच्या अटी व शर्ती :

(१) पहिला लाभ घेतलेल्या व त्यानंतर प्रत्यक्ष पदोन्नती मिळालेल्या कर्मचाऱ्यास दुसरा लाभ मंजूर करताना तो पहिल्या लाभाप्रमाणेच दिनांक २० जुलै २००९ च्या आदेशामधील व यासंबंधी वेळोवेळी निर्गमित करण्यात आलेल्या स्पष्टीकरणात्मक आदेशांतील तरतुदीच्या अधिन मंजूर करण्यात यावा. म्हणजेच, ज्या पदाची वेतनसंरचना मंजूर करण्यात येणार आहे, त्या पदावर प्रत्यक्ष पदोन्नती मिळण्यासाठी विहित केलेल्या अटी व शर्तीची पूर्तता करणे आवश्यक राहिल.”

For getting benefit of Assured Career Progression Scheme, an employee has to fulfill all conditions required for regular promotion. For backward class candidates, production of Caste Validity Certificate is a must of getting promotion. For getting benefit of Assured Career Progression Scheme, it has to be held that backward class employees must produce Caste Validity Certificate within a reasonable time. Otherwise, the provision of Act of 2000 could be circumvented by employees, who enter service on the basis of Caste Certificates, which are not be validated. The Applicant was asked to produce the Caste Validity Certificate, but he did not produce it before his retirement. Now he is claiming that he is not required to produce it as

he had already retired. This claim is untenable as he is seeking benefit of G.R. dated 1.4.2010 while he retired only on 30.06.2012. There was ample time available to him to produce Caste Validity Certificate. He cannot be allowed to reap the benefit of his own lapses. He is not eligible to get second benefit of Assured Career Progression Scheme.

6. Having regard to the aforesaid facts and circumstances of the case, this Original Application is dismissed with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

Kpb/DB OA No 498 of 2013 RA 2017