

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

**ORIGINAL APPLICATION NO. 545 OF 2014**

DIST. : OSMANABAD

Smt. Vijayabai w/o Narsingrao Suryawanshi,  
Age. 62 years, Occ. Retired,  
R/o Omerga, Tq. Omerga,  
Dist. Osmanabad.

-- APPLICANT

**V E R S U S**

1. The State of Maharashtra,  
(copy to be served on  
Presenting Officer, M.A.T.,  
Aurangabad Bench).

2. The District Collector,  
Collectorate, Osmanabad.

3. Divisional Commissioner,  
Aurangabad.

-- RESPONDENTS

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APPEARANCE : Shri V.B. Wagh, learned Advocate for the  
applicant.

: Shri S.K. Shirse, learned Presenting Officer  
for the respondents.

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**CORAM : Hon'ble Shri Justice M.T. Joshi,  
Vice Chairman**

**DATE : 12<sup>th</sup> April, 2017**  
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**ORAL - ORDER**

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.
2. By the present original application the applicant is seeking quashment and setting aside the impugned letter dated 8.1.2014 issued by the res. no. 2 and consequential declaration that the applicant is entitled for second time bound pay scale from 1.10.2006.
3. The communication dated 8.1.2014 (Annexure A.4 paper book page 79 of the O.A.) would show that the respondent no. 2 – the Dist. Collector, Osmanabad – had refused to grant the second time bound promotion to the present applicant for the reason that as per the provisions of the G.R. dated 5.7.2010 her Annual Confidential Reports should have an average of 'B+', however, the Departmental Promotion Committee in its meeting dated 27.8.2013 found her A.C.Rs. from the year 2005-06 to 2010-11 as 'B' and, therefore, the benefits of second time bound promotion were not granted to her.
4. The G.R. dated 5.7.2010 (Annex. A-6 paper book page 102 of the O.A.) would show that the terms and conditions applicable for grant of first time bound promotion would also be applicable and more particularly clause no. 4 thereof would show that from the A.C.Rs. of the period of last 6 years A.C.Rs., any 3 A.C.Rs., which are favourable to the employee should be considered and the average of the same for grant of benefits of second time bound promotion should be 'B+' (paper book page 114 of the O.A.).
5. We have the minutes of the meeting of the D.P.C. at Annex. R-3 (paper book page 118 of the O.A.). At paper book page 131 we have the extract of the A.C.Rs. of the employees including the applicant. 3 out of 6 A.C.Rs., which are shown in the said extract, ought to be considered. The relevant entry in the said extract is as under :-

अ. क्र.	जे. सुवी क्र.	अव्वल कास्कुन यांचे नांव	जन्म दिनांक	जात प्रवर्ग	जात वैधता प्र.पत्र आहे/ नाही	शासन सेवेत रुजू दिनांक	शासन सेवेत रुजू होतानाचे पद	दि. १.१०.२००६ ते ३१.७.१३ पर्यंत सेवानिवृत्त, स्वेच्छा से. नि. मयत झाले असल्यास ती तारीख	प्रथम कालबद्ध पदोन्नती मंजूर दिनांक	प्रथम नियमित पदोन्नती दिनांक अ. का. संवर्गात	ना. त. संवर्गात ील पदोन्नतीचे आदेश क्रमांक व दिनांक	पहिल्या लाभानंतर १२ वर्षांची नियमित सेवा पुर्ण केल्याचा दिनांक	महसुल अर्हता परीक्षा उत्तीर्ण / अनुत्तीर्ण किंवा सुट दिनांक
१	२	३	४	५	६	७	८	९	१०	११	१२	१३	१४
६	१३ १. १. १०	श्रीमती व्ही.एन. सुर्यवंशी	७. ८. १९ ५२	स. सा.	लागू नाही	१८. ०२. १९७ ७	लिपी क	से.नि. ३१.०८. २०१०	०१. १०. १९९४	०४.०७. २००९	-	०१. १०. २००६	सुट-७. ७. १९९९

संगणक अर्हता उत्तीर्ण/अनुत्तीर्ण /सुट	गोपनीय अहवालाचे मुल्यांकन तपशीलवार								
	२००५-०६	२००६-०७	२००७-०८	२००८-०९	२००९-१०	२०१०-११	२०११-१२	२०१२-१३	सरासरी
१५	१६	१७	१८	१९	२०	२१	२२	२३	२४
सुट- ७.८.०२	B-	B	B+	B-	B+	A	-	-	B

विभागीय चौकशी प्रलंबित अथवा प्रस्तावित आहे काय	विभागीय चौकशी अंतिम झाली असल्यास शिक्षा व शिक्षेचा प्रभाव समाप्ती दिनांक	मंजूर /नामंजूर अभिप्राय
२५	२६	२७

If from those 6 A.C.Rs., three A.C.Rs. favourable to the applicant are looked into then the favourable A.C.Rs. in her case would be 'B+', 'B+' and 'A'. The D.P.C., however, took into consideration all the A.C.Rs. and came to the conclusion that the applicant does not meet the requirement of average of the A.C.Rs. as 'B+' after considering all the 6 A.C.Rs. as detailed supra. This decision of the D.P.C. is against the provisions of G.R. at Annexure A-6, which ultimately resulted into wrong rejection of grant of second time bound promotion to the applicant.

6. The minutes of the D.P.C. would further show that other employees were granted second time bound promotion after completion of their 24 years service as per Rules and, therefore, the

present applicant is also entitled for grant of second time bound promotion from 1.10.2006, i.e. upon completion of 24 years service.

7. In the result, the O.A. is allowed, without any order as to costs and the impugned letter dated 8.1.2014 issued by the res. no. 2 is quashed and set aside and it is hereby declared that the present applicant is entitled for grant of second time bound promotion with effect from 1.10.2006. The necessary orders be issued by the concerned respondents within a period of 3 months from the date of passing of this order with consequential benefits upon superannuation of the present applicant.

**VICE CHAIRMAN**

ARJ-O.A. NO. 545-2014 J. MTJ (TIME BOUND PROMOTION)