

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 761/2016 (D.B.)

Dr. Chandrashekar Adgaonkar,
Aged about 76 years,
Occupation-Retired Govt. Servant
From Institute of Science, Nagpur.
R/o 197, 'Ekvira', Near Labour Chowk,
Jai Nagar, Garha Road, Jabalpur (M.P.)
Pin Code-482002.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Department of Higher Education,
Mantralaya, Mumbai-400 032.
- 2) Director of Education (Higher Education)
Maharashtra State, Central Building
Pune-411 001.
- 3) Institute of Science, Nagpur
Through its Director,
Civil Lines, Nagpur.

Respondents

Shri Sachin Khandekar, Id. Advocate for the applicant.

Shri V.A.Kulkarni, Id. P.O. for the respondent.

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

JUDGMENT

**(Per:-Shri Justice M.G.Giratkar)
09th Feb., 2023.**

Heard Shri Sachin Khandekar, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the respondent.

2. The applicant is now retired on 31.12.2000 from the post of Reader. The applicant was entitled for Career Advancement Scheme (in short C.A.S.) but it was not granted from 01.01.1996, therefore, the applicant approached to this Tribunal by filing O.A. No. 67/2007. This Tribunal has directed the respondents to grant C.A.S. from 01.01.1996. But the respondents have not granted any promotion of the post of Professor, therefore, he approached to this Tribunal for the following relief:-

- A. Modify the Order/Govt. Resolution dated 07.07.2016 issued by the respondent no. 1 (A-A-3) and direct the respondents to confer the designation of Professor to the applicant by granting applicant promotion to the post of Professor instead of merely granting pay scales of the post of Professor under Career Advancement Scheme and further grant the benefits of the Career Advancement Scheme w.e.f. 01.01.1996 instead of 27.07.1998 with all consequential benefits.*
- B. Saddle the cost of instant original application on the respondents.*

C. Grant any other relief which this Hon'ble Tribunal deems fit and proper in the premise.

3. O.A. is strongly opposed by respondents.

4. As per the submission of the Id. Counsel for the applicant, during the pendency of this O.A., the respondents have granted promotion of the post of Professor w.e.f. 27.07.1998; the copy of order is dated 07.07.2016 (P. 50).

5. As per the submission of Id. Counsel for the applicant, the respondents have granted promotion to the applicant on 27.07.1998 for the post of Professor but they have not granted C.A.S. to the applicant from 01.01.1996 as held by this Tribunal in earlier O.A.. This position is not disputed.

6. This Tribunal in O.A. No. 67/2007 in paras 9 & 10 has held as under:-

“9. Under these circumstances, we find that the applicant has been unfairly denied the benefits of CAS only for the reason that the selection committee could not meet before he retired. We, therefore, hold that the applicant is very much entitled to the benefits of CAS from 01.01.1996 till he retired on 31.12.2000. We direct the respondents to hold an ad-hoc meeting of the concerned selection committee for considering

the eligibility of the applicant for the benefits of CAS from 01.01.1996 till he retired. If he is so found fit, we further direct the respondents to grant him pay and pensionary benefits of the post of Professor from the date of promotion.

10. O.A. stands disposed of in terms of the above directions. There shall be no order as to costs."

7. There is no dispute that order of this Tribunal is not challenged before any Apex Court. Therefore, it is clear that order passed by this Tribunal in O.A. No. 67/2007 dated 13.03.2015 is now final. It was expected from the respondents to comply the order. It appears that respondents have partly complied the order during the pendency of this O.A.. The respondents have granted promotion (C.A.S.) to the applicant as per order dated 07.07.2016. Applicant is C.A.S. for the post of Professor w.e.f. 27.07.1998. No any reason is given in the order as to why it is not granted from 01.01.1996. Above order of this Tribunal in O.A. No. 67/2007 clearly shows that the applicant is entitled for promotion/benefit of C.A.S. from 01.01.1996. The applicant is retired. The respondents ought to have given benefits of C.A.S./ Promotion w.e.f. 01.01.1996. Hence the following order:-

ORDER

- A. The O.A. is allowed.
- B. The respondents are directed to give the benefit of Career Advancement Scheme w.e.f. 01.01.1996 of the post of Professor and grant all the consequential benefits within the period of three months by modifying Order/G.R. dated 07.07.2016.
- C. With these directions, **O.A. is disposed of with no order as to costs.**

(M.G.Giratkar)
Vice Chairman

aps

Dated - 09/02/2023

(Shree Bhagwan)
Vice Chairman

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

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman
& Hon'ble Vice Chairman.

Judgment signed : 09/02/2023.

on and pronounced on

Uploaded on : 10/02/2023.