

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 930/2017 WITH**  
**CIVIL APPLICATION NO. 03/2020 (D.B.)**

Siddharth S/o Raghoji Dahikar,  
Aged about 59 years, Occ. Retired,  
R/o Flat No. 101, Vandana Apartments,  
Near Varsha Budha Vihar,  
Gopal Nagar, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Dairy Development Department,  
Mantralaya, Mumbai-32.
- 2) Regional Dairy Development Officer,  
Telangkhedi Road, Seminary Hill,  
Civil Lines, Nagpur.
- 3) District Dairy Development Officer,  
Telangkhedi Road,  
Seminary Hill, Civil Lines, Nagpur.
- 4) Accountant General (A&E)  
Civil Line, Nagpur

**Respondents**

---

**Shri N.S.Warulkar, Id. Advocate for the applicant.**

**Shri S.A.Sainis, Id. P.O. for the respondents.**

---

**Coram :- Hon'ble Shri Shree Bhagwan, Vice-Chairman &  
Hon'ble Shri M.A.Lovekar, Member (J).**

---

**JUDGMENT****Judgment is reserved on 23<sup>rd</sup> Nov., 2022.****Judgment is pronounced on 06<sup>th</sup> Dec., 2022.****(Per:-Member (J))**

Heard Shri N.S.Warulkar, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the Respondents.

2. Case of the applicant is as follows. The applicant was appointed as Fireman (Boiler) on 01.03.1982. He was selected for government service as Boiler Attendant on 18.10.1989. Though he joined on this post on 14.12.1993 when the vacancy arose, his services were regularized w.e.f. 30.06.1992. Thus, his first time bound promotion was due on 30.06.2004. However, it was granted w.e.f. 15.12.2005 on the basis of his date of joining. Had the first time bound promotion been given w.e.f. 30.06.2004, the second time bound promotion would have fallen due on 30.06.2016 i.e. before retirement of the applicant on superannuation on 31.12.2016. Thus, he was unjustly deprived of the second time bound promotion. He made representations but to no avail. Hence, this original application for the following reliefs:-

*“1. Direct the respondent no. 2 to 4 to grant the consequential and monetary benefits by way of two time bound promotions as per communication/ order dated 20.10.1998 issued by the respondent no. 2 as of 30.06.2004 and 30.06.2016, in the interest of justice.*

2. *Grant him consequential and monetary benefits arising therefrom by way of fixation of pay scale and grant him difference of payment with 18% interest in the interest of justice.*

3. *Further be pleased to consider the temporary service of ten years of applicant for all retirement benefits in the interest of justice."*

3. In their reply at pages 34 to 39 respondents 1 to 3 have averred as follows. While applying for the post of Boiler Attendant the applicant did not do so through his then employer i.e. respondent no. 2. He was selected for the post by Sub Service Selection Board on 18.10.1989. Therefore, it was considered to be a fresh appointment. He joined on the post on 03.12.1993. The first time bound promotion was rightly given to him w.e.f. 15.12.2005. He retired before completing 12 years from the date of grant of the first time bound promotion. Therefore, there was no question of granting the second time bound promotion. By order dated 02.12.2010 the first time bound promotion was given to the applicant w.e.f. 15.12.2005. Challenge to said order is clearly time barred.

4. By filing a rejoinder the applicant has contended that claim for grant of correct dates of the first and the second time bound promotions can be said to be a continuing cause of action and hence, question of limitation would not arise. It was further submitted that the applicant had made representations as well. Repeated representations could not have saved limitation. It is apparent that challenge to the date of grant of

the first time bound promotion is time barred. The applicant stood retired before completing 12 years from the date of grant of the first time bound promotion. Therefore, question of granting the second time bound promotion could not arise.

5. It is the contention of the applicant that his services were regularized w.e.f. 30.06.1992 as mentioned in A-4. To rebut this contention the respondents have placed on record communication dated 15.11.2019 (at page 46). As per this communication, in A-4 the date was wrongly mentioned as 30.06.1992 instead of 03.12.1993. The applicant does not dispute that he joined on 03.06.1993. These circumstances show that the first time bound promotion was rightly given to the applicant w.e.f. 15.12.2005. This would mean that question of granting the second time bound promotion did not arise because the applicant stood retired before completing 12 years from the date of grant of the first time bound promotion. Record shows that after this Tribunal passed an order on 02.12.2019, the applicant moved an application for condonation of delay but the same was not prosecuted. Thus, the original application lacks merit. **The original application as well as civil application are accordingly dismissed with no order as to costs.**

**(M.A.Lovekar)**  
**Member(J)**

aps

Dated – 06/12/2022

**(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 Member (J).

Judgment signed : 06/12/2022.  
on and pronounced on

Uploaded on : 07/12/2022.