

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.110 OF 2016

DISTRICT : SANGLI

Shri Namdev Krushna Mane.)
M. Post, Savarde (Mane Mala),)
Tal. Tasgaon, Dist : Sangli.)...**Applicant**

Versus

1. The Collector.)
Sangli - 416 416.)
2. The Sub-Divisional Officer.)
Miraj, Office of Sub-Divisional)
Office, Miraj.)...**Respondents**

Mr. M.B. Kadam, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 03.08.2017

JUDGMENT

1. This Original Application (OA) is brought in connection with the dispute about the grant of Time Bound



Promotion from a particular date.

2. The Applicant retired in the year 2015. He came to be appointed as a Talathi on 14.10.1983. He was placed under suspension during the period 11.5.1994 to 29.8.1994. He was reinstated. The period of suspension was regularized by the order of 17.7.2012. That regularization was for all purposes and hence, according to the Applicant, there was no break in service as such. He claims that he was eligible for the benefit of Time Bound Promotion w.e.f. 13.10.1995. He was, however, again placed under suspension on 26.8.1996 upto 28.8.1996 and 1.1.2004 to 1.9.2004, but even that period was regularized. As already mentioned above, he claims to be entitled to the 1st Time Bound Promotion w.e.f. 13.10.1995 and the 2nd benefit from 14.10.2007 after completion of 12 years and 24 years respectively in service. He has set out some details of the others like him who were given the Time Bound Promotion on exactly 12 and 24 years after completion of their service. He, therefore, seeks the relief consistently with the above averments in his OA.

3. I have perused the record and proceedings and heard Mr. M.B. Kadam, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer (PO) for the Respondents. The 1st Respondent is the Collector, Sangli and the 2nd Respondent is the S.D.O, Miraj.

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4. At Exh. 'A', there is an order made by the 2nd Respondent dated 17.7.1992 wherein the details of the enquiry against the Applicant have been set out which details are now not quite relevant to be set out. The concluding Paragraph thereof mentions that the Applicant was set to retire in 2015. His three increments were stopped but the periods of suspensions were regularized for the purposes of the retirement benefits, etc. On 15.1.2015, the Applicant made a brief representation to the 1st Respondent stating therein that, he was in Government service for 32 years. He was not given the 1st and the 2nd benefits because of the DE pending against him. Now, (then) the same needs to be given. By an order dated 2.3.2015, the 2nd Time Bound Promotion was given to the Applicant.

5. In the Affidavit-in-reply (Para 7), it is stated that, by the order dated 3.5.2016, the Time Bound Promotions were given to the Applicant from 14.10.1999 and 14.10.2011 respectively. The case of the Respondents is that, that was because his record for the period 1990-95 was not such as to entitle him to the said relief. In Para 19 of the reply, it is stated that the Confidential Report of the Applicant for 1995-98 were also not up to the mark.

6. It must necessarily follow that the reason why the Applicant was denied the 1st and the 2nd benefits after exactly 12 and 24 years was the poor record so to say. However,

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despite sufficient opportunity having been given, no record worth the name was produced before me. It must, therefore, follow that the Respondents have failed to substantiate their case against the Applicant about poor record, and therefore, going by the GRs relevant hereto, I think, there is absolutely no justification for the Respondents not to grant to the Applicant the benefits of Time Bound Promotion as claimed by him. Any further discussion is really uncalled for.

7. The impugned action and the orders stand hereby quashed and set aside. The Respondents are directed to extend to the Applicant the benefit of the 1st Time Bound Promotion w.e.f. 13.10.1995 and the 2nd one from 14.10.2007 as prayed. All the consequential reliefs are also granted. Compliance within six weeks from today. The Original Application is allowed in these terms with no order as to costs.

Sd/-

(R.B. Malik)
Member-J
03.08.2017

Mumbai

Date : 03.08.2017

Dictation taken by :

S.K. Wamanse.

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