

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.330/2015

Prabhakar S/o Dharamdas Ramteke,
Aged about 61 years, Occ. Retired,
Talathi, R/o Indora Bhandar Moholla,
Behind Nagsen School,
Post Bezonbagh, Nagpur-04

Applicant

Versus

- 1) State of Maharashtra,
General Administration Department,
Mantralaya, Mumbai-32
through its Secretary.
- 2) The Divisional Commissioner,
Nagpur Division,
Nagpur.

Respondents

S/Shri P.C. Marpakwar, S.M. Khan, Advocates for the applicant.
Shri P.N.Warjurkar, P.O. for the respondents.

Coram :- Hon'ble Shri S.S. Hingne, Member (J).

Dated :- 04 /10/2016.

ORDER -

Heard Mr. S.M. Khan, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The applicant / Talathi had filed the O.A. seeking the relief under the Time bound promotion scheme. The applicant joined as Talathi on 28-06-1984 and retired on 30-06-2011. He has completed 12 years of service in the year 1996 and was eligible to get the 1st Time bound promotion on the basis of G.R. dated 8-6-1995 (A-2,P-13). However his claim was not considered as the ACRs for the year 1997-1998 to 1999-2000 were not available as mentioned in the reply. The applicant became entitled on 28-06-1996 on completion of 12 years of service. Thus the ACRs earlier to that period were to be considered, but that is not done.

3. The respondents' case is that the ACRs. for the year 1997-1998 to 1999-2000 were not available when the DPC was held. Anyhow fact remains that for no fault of the applicant, his case was not considered. It is not the case of the respondents that the applicant was not entitled for any such relief. Consequently, the applicant cannot be deprived of the benefit.

4. The learned P.O. submits that in the identical matters, the benefit was granted w.e.f. 1998. However, the employee is entitled on completion of 12 years service and the applicant has completed 12 years service on 28-06-1996 and as such he cannot be deprived of the claim from that period.

5. The applicant also claims second time bound promotion as he completed next 12 years service on 28-07-2008. The learned P.O. submits that the applicant was promoted as Circle Inspector, but he refused the promotion vide communication dated 26-08-2009 (A-I,P-42). Therefore, he cannot be entitled for benefit of time bound promotion as he refused the actual promotion.

6. The learned counsel for the applicant submits that the applicant is entitled for second time bound promotion w.e.f. 29-6-2008. Therefore, he is entitled for benefit of second time bound promotion at least for one year till date of refusal i.e. 26-8-2009. The applicant also can get that relief. Consequently, the O.A. is disposed of in the following terms:-

- i) The applicant is entitled for benefit of 1st time bound promotion from 28-06-1996.
- ii) The applicant is entitled for benefit of second time bound promotion from 28-6-2008 till 26-8-2009.

iii) The applicant is entitled for the monetary benefits arising out of the same.

iv) The monetary benefits be disbursed to him before 31-12-2016.

v) No order as to costs.

(S.S.Hingne)
Member (J).

dnk.