

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**NAGPUR BENCH AT NAGPUR.**  
**ORIGINAL APPLICATION NO. 452 of 2015**

Dhanraj Pitambar More,  
Aged about 60 Yrs.,  
Hanuman Nagar,  
AT Kanhan Tahsil Parshivani,  
Distt. Nagpur.

-----**Applicant.**

**VERSUS**

1. The State of Maharashtra,  
Through its Principal Secretary,  
Revenue and Forest Department ,  
Mantralaya, Mumbai-32.

2. The Collector,  
Civil Lines, Nagpur.

-----**Respondents.**

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1. Shri Bharat Kulkarni, Counsel for the Applicant  
2. Shri P.N. Warjurkar, Id. P.O. for Respondents

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**CORAM: S.S. Hingne : Vice Chairman**

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**DATE : 21<sup>st</sup> November, 2016**

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**ORDER**

The applicant , retired Talathi seeks the relief of 1<sup>st</sup>  
time bound promotion w.e.f. 1/10/1994 which is granted to him

from 1/10/2004. He also claims the benefit of 2<sup>nd</sup> time bound promotion.

2. Heard Shri Bharat Kulkarni, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents. Perused the record.

3. The applicant joined the services on 1/9/1980 as a Talathi. He is given the 1<sup>st</sup> time bound promotion w.e.f. 1/10/2004 vide order dtd. 3<sup>rd</sup> Sept., 2005 ( Annex.A-1, page-11). The order further mentions that the applicant was earlier held not eligible for getting the benefit of 1<sup>st</sup> time bound promotion w.e.f. 1/10/1994. Consequently he was given the benefit from 1/10/2004. The scheme of extending the benefit of time bound promotion was introduced vide G.R. dtd. 8/6/2015 w.e.f. 1/10/1994. The employees who have completed 12 years of service till 1/10/1994 are entitled to get the benefit subject to their eligibility.

4. The applicant has already completed 12 years' service when the G.R. came into force. Accordingly his

case was placed before the Departmental Promotion Committees (DPC ) held from time to time. In the DPC held on 15/11/1996, the case of applicant was considered ( Annexure-R-1, page-44 ) . At that time he was not found eligible since did not meet the criteria of required ACRs. Hence he was not given the benefit. 2<sup>nd</sup> time the DPC was held on 25/5/1999( Annexure-R-2, Page-48 ). That time also the DPC did not found the applicant fit for extending the benefit. The 3<sup>rd</sup> time the DPC was held in 1/2/2003 ( Annex.R-3, page-51). That time also he was found unfit for getting the benefit since did not meet to the criteria of required ACRS. Lastly, he was found fit in the DPC held on 3<sup>rd</sup> September,2005 ( Annexure-A-1, Page-11). Since he was earlier not found fit , the benefit was given to him w.e.f. 1/10/2004. There is mention in the proceedings to that effect. Thus, as per the DPC proceedings the applicant cannot get the benefit of 1<sup>st</sup> time bound promotion w.e.f. 1/10/1994 being found ineligible.

5. In the DPC dtd. 15/11/1996, the ACRS of 5 years were considered viz., of the years 1991-92, 1992-93, 1993-94, 1994-95 and 1995-96 which are as follows :-

Year	Gradation
1991-92	Not satisfactory ( Page-46)
1992-93	Satisfactory-C
1993-94	B-
1994-95	B- Good
1995-96	Not available.

6. The Id. Counsel for the applicant submitted that as per Clause 3 of the G.R. dtd. 5/7/2010, the 'average' gradation of the CR should be 'B'. The Id. Counsel further submits that the applicant meets that criteria .

7. The Id. P.O. has made available the proforma of original ACRs. Which reveals the gradation of the applicant as under :-

Year	Gradation
1990-1991	काम समाधानकारक आहे.

1991-1992	असमाधानकारक
1992-1993	समाधानकारक
1993-1994	असमाधानकारक
1994-1995	चांगला
1995-1996	चांगला

The ACRs for the above period of 5 years demonstrate that for 2 years 'Good' for 2 years 'average' and for 1 year 'समाधानकारक'.

8. The Id. Counsel for the applicant vehemently urged that this report "समाधानकारक" should be treated as 'good'. As against this, the Id. P.O. submits that the department has rightly considered the same as "average". The Govt. has issued the directions from time to time during the last four decades as to how the ACRs are to be written. The words of grading are also not changed during this long period. Despite of this, it is surprising that the Govt. officers are not following the same properly even though the directions are issued how

the ACRs are to be written. Anyhow the fact remains that the ACR of 1 year is not written in correct words.

Now the question emerges what is the meaning of 'समाधनकारक' and in which grade that fits. As per the Navneet Advance Dictionary the word 'Good' means 'चांगला' and satisfactory means 'समाधनकारक' -giving satisfaction. As per 'Oxford' dictionary 'Good' means having the right or desired qualities. "Satisfactory" means adequate. In common parlance word 'Good' demonstrates the better quality than the satisfactory. The same meaning is also attached from the meaning given in the above dictionaries. As such the view taken by the DPC that the word 'satisfactory' does not meet the criteria of 'good' cannot be faulted with.

10. Thus, the 3 years' ACRs' of the applicant are 'B-' and thereby he does not meet the requirement having average of 'B' gradation of the ACRs.

11. The Id. Counsel for the applicant further urged that the confidential reports of the year 1993-94 are not

communicated to the applicant and the same are to be ignored. However, the Id. P.O. has produced the original copy of the ACR which shows that the same are communicated to the applicant on 28/6/1994 and bear signature of the applicant. As such it cannot be said that the said ACRs are not communicated to him.

12. Viewed from any angle, the applicant cannot get the benefit w.e.f. 1/10/1994. Therefore his first prayer to make the benefit available from 1/10/1994 cannot be granted.

13. The applicant's second prayer is that he should be extended the second time bound promotion benefit w.e.f. 1/10/2004. When he cannot get the first benefit from 1/10/1994, he does not complete the 12 years requisite period on 1/10/2004. Therefore he also cannot get that relief. He completes the 12 years from 1/10/2004 in 2016 and before that he is superannuated. As such he cannot get the benefit of the second time bound promotion scheme. Therefore the second prayer also cannot be granted. Thus the case

propounded by the applicant is devoid of any merit and hence the O.A. is rejected with no order as to costs.

Skt.

**S.S. Hingne**  
**Vice-Chairman.**