

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.788 of 2014

Shri Damodar B. Gade ,)
R/at Putalai Vaibhav Nivas, Kharade Colony,)
Market Yard East, Karad.) ...Applicant

Versus

1. The District Women & Child)
Development Officer, Jail Road, Ratnagiri)
2. The Accounts Officer, Pay Verification)
Unit, Joint Director & Treasury Office,)
Konkan Bhavan, 4th floor, Room No.421,)
Belapur, Navi Mumbai.)
3. The Principal Secretary, Finance Dept.)
Mantralaya, Mumbai.)
4. Commissioner, Women & Child Devlp.)
Department, M.S. 3, Church Road, Pune)Respondents

Shri K.R. Jagdale, Advocates for Applicant.

Shri N.K. Rajpurohit , Chief Presenting Officer for Respondents.

CORAM : SHRI R.B. MALIK (MEMBER-JUDICIAL)

DATE : 27.01.2017

JUDGMENT

1. The Applicant having retired on 31.07.2007 was denied the benefits of the second Assured Career Progression (ACP hereinafter). He has preferred this O.A. there against.

2. I have perused the record and proceedings and heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

3. A very detailed discussion really is now not necessary because this O.A. deserves to be allowed as a result of the judgment of the Division Bench of the Hon'ble Bombay High Court in a batch of Writ Petitions, the first one being **W.P. No.7062/2014 (The State of Maharashtra & Ors. V/s. Dattatraya D. Mehta & Ors. and other W.Ps decided on 24.06.2016)**. Thereby an earlier judgment of this Tribunal presided over by the then Hon'ble Chairman in **O.A. No.834/2011 and other O.A.s (Shri Dattatraya D. Mehta & Ors. V/s. State of Maharashtra & 2 Ors.), 23.12.2013** was confirmed by dismissing the said W.Ps.

4. The Applicant retired on a date which fell during 01.10.2006 and 01.04.2010 and in accordance with a certain Government instrument struck down by this Tribunal, he was denied the benefits of 2nd ACP. As already indicated above, this Tribunal by striking down that instrument in effect held that the employees who retired after 01.10.2006 and upto 01.04.2010 also needed to be given benefits of modified ACP as per G.R. of 01.04.2010 if they fulfill the conditions set out in para 2 of the said G.R.. This judgment of this Tribunal was confirmed in the above detailed W.Ps. by the Hon'ble High Court and, therefore, the applicant will be squarely entitled to the benefits thereof. He too would have to be held entitled to the said benefits.

5. The order herein impugned is hereby quashed and set aside. The Respondents are directed to grant benefits of second ACP to the Applicant w.e.f. 01.10.2006 with all other consequential service benefits. His pension be accordingly reworked out. The 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)
27.01.2017