

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 840 OF 2016

DISTRICT: - AURANGABAD.

Shri Hiralal S/o. Lalchand Bhatewale,

Age : - 59 years, Occu: Nil (Pensioner),
R/o. H.No. 1-16-366, Shitlamata Galli,
Nr. Balaji Mandir, Begumpura,
Aurangabad.

.. APPLICANT.

V E R S U S

1) The State of Maharashtra,

Through its Secretary,
Medical Education & Drugs
Department, M.S.,
Mantralaya, Mumbai – 32.

2) The Director of Medical

Education & Research,
M.S. Mumbai.

3) The Dean,

Government Medical College,
Aurangabad.

4) The Dean,

Govt. Dental College &
Hospital, Aurangabad.

.. RESPONDENTS.

APPEARANCE : Shri Avinash S. Deshmukh – learned
Advocate for the applicant.

: Shri N.U. Yadav – learned Presenting
Officer for the respondents.

CORAM : **HON'BLE SHRI B.P. PATIL,**
MEMBER (J)

DATE : **13TH OCTOBER, 2017.**

ORDER

1. The applicant has challenged the order dated 18.02.2015 issued by respondent No. 3 rejecting his claim to extend second benefit under "Revised In Service Assured Progression Scheme" and also prayed to issue direction to the respondent No. 3 to consider his case under the said scheme and to extend the benefit to him and to grant financial benefits to him.

2. On 1.3.1985 the applicant entered the service of the respondent No. 1 Government of Maharashtra in its Medical Education & Drugs Department as a Laboratory Assistant and thereafter appointed on the establishment of respondent No. 4, Dean, Government Dental College & Hospital, Aurangabad. It is his further contention that services of the employees working on the establishment of respondent Nos. 3 & 4 are inter-transferable.

3. On 8.6.1995, the Government issued the Government Resolution and introduced the scheme of Time Bound Promotion to extend the benefits of higher pay scale to the Government Servants, who do not get promotion in spite of the fact that they are fully eligible for getting such promotion. On the basis of the said scheme of Time Bound Promotion, the applicant was given benefit of higher pay scale attached to the next/higher promotional post of Laboratory Technician w.e.f. 01.03.1997. Since then he is receiving the salary in the higher pay scale attached to the post of Laboratory Technician though he continued to work as Laboratory Assistant. Thereafter, the applicant completed 12 years of continuous service in the same pay scale attached to the post of Laboratory Technician. On completion of 12 years' service in the same post he was eligible for getting the second benefit under the said scheme w.e.f. 01.03.2009. It is his contention that in the year 2009 he was working as Laboratory Assistant, but was drawing the salary in the pay scale attached to Laboratory Technician, but he was transferred from the establishment of respondent No. 4 to

respondent No. 3 i.e. from the Dental College to the Government Medical College at Aurangabad itself. Accordingly, he was relieved from the establishment of respondent No. 4 on 22.09.2009 and he joined on the establishment of respondent No. 3 on the same day i.e. on 22.09.2009. On 20.4.2012, respondent No. 3 granted functional/actual promotion to the applicant on the post of Lab. Technician. Not only this, but respondent No. 3 has granted promotion of Lab. Technician to the other employees working on the establishment of respondent No. 4 also. It is contention of the applicant that along with him one Mr. Syed Abubakr and Smt. Alka Khare had also joined the Government service on the same date i.e. 1.3.1985 on the post of Lab. Assistant and they were posted on the establishment of respondent No. 4. It is contention of the applicant that he worked as Lab. Technician since the month of April 2012 till his date of retirement i.e. till 29.02.2016 on the establishment of respondent No. 3.

4. On 1.4.2010 the Government was pleased to take policy decision and to introduce "Revised In-Service

Assured Progression Scheme” w.e.f. 1.10.2006. The said scheme provides that the benefit of higher pay scale would be available twice in the service career of the Government employee. The said scheme was introduced with an intention to extend the benefit of previous scheme. In view of the said provision the respondent No. 3 ought to have to consider the case of the applicant for extending the benefit of the said scheme as he was eligible for it, but respondent No. 3 had not taken steps in that regard. On the contrary, the respondent No. 4 issued orders and granted the benefit of “Revised In-Service Assured Progression Scheme” to the persons identically placed like the applicant viz. Smt. Alka Khare, Mr. R.R. Atre, Mr. Syed Abubakr, Mr. M.Y. Pawar, Mr. K.V. Pawar and Mr. N.A. Lokhande. As respondent No. 3 had not issued any orders in that regard, the applicant submitted application dated 10.11.2014 and requested to extend the benefit of “Revised In-Service Assured Progression Scheme” to him in view of the Government Resolution dated 1.4.2010. But the respondent No. 3 on 18.02.2015 issued letter and communicated to him that the benefit of the said scheme

could not be extended to him, as he was not fulfilling the educational qualification required for the next/higher post of Biochemist. It is his contention that the respondent No. 3 has not considered the provision of G.R. dated 1.4.2010 with proper perspective. Respondent No. 3 had not considered categories mentioned in para 2 (d) (3) of the G.R. It is his contention that the post of Lab. Technician of which the pay scale was granted to the applicant w.e.f. 1.3.1997 under the scheme of Time Bound Promotion, but the applicant and other persons like him do not possess requisite educational qualification for the post of Biochemist and, therefore, no promotional post / channel is available to them rendering the post of Lab. Technician as an isolated post. The respondent No. 3 had not considered the said aspect and rejected his request. It is his contention that respondent No. 3 ought to have considered the case of the applicant, as the post of the applicant is an isolated post. The Finance Department issued G.R. dated 5.7.2010 in continuation of the G.R. dated 1.4.2010 to strengthen the "Revised In-Service Assured Progression Scheme". It is his contention that

the respondent No. 3 has not considered the said G.R. also and thereby issued the communication dated 18.2.2015 rejecting his request to grant the benefit of the scheme. It is his contention that the impugned order/communication issued by the respondent No. 3 dated 18.2.2015 is illegal, arbitrary and illogical. Respondent No. 3 had not applied its mind while considering the G.Rs. dated 1.4.2010 and 5.7.2010 and, therefore, issued impugned order/communication dated 18.2.2015. He has prayed to quash the order by filing the present Original Application. The applicant has also prayed to issue the direction to the respondents and more particularly to the respondent No. 3 to consider his claim for grant of the benefit of Revised In-Service Assured Progression Scheme in view of the said G.Rs. and to extend the financial benefit to him accordingly.

5. Respondent Nos. 1 to 3 have filed their affidavit in reply and resisted the contention of the applicant. They have admitted the fact that the applicant was appointed as Lab. Assistant w.e.f. 1.3.1985 and after completion of

12 years' of regular service he was given higher pay scale i.e. pay scale of higher promotional post of Lab. Technician w.e.f. 1.3.1997, as per the Government Resolution dated 8.6.1995. They have admitted the fact that the applicant was actually promoted to the post of Lab Technician on 20.4.2012, as per his seniority in his cadre from Lab Assistant in the pay scale of Rs. 9300-34800 and Grade Pay Rs. 4200. They have also admitted the fact that the applicant was transferred from the establishment of respondent No. 4 to the establishment of respondent No. 3 i.e. from Government Dental College, Aurangabad to Government Medical College, Aurangabad and he has completed his 24 years of regular service on 1.3.2009. They have admitted that as per the Government Resolution dated 1.4.2010 the new scheme has been introduced to give the benefit of higher pay scale twice in whole service career to the Government employee. They have also admitted that the applicant filed an application and requested them to give benefit of Revised In-Service Assured Progression Scheme as per the G.R. dated 1.4.2010. It is their contention that as per the G.R. dated

1.4.2010 the second benefit will be given to those Government servants who had completed 12 years' of their regular service after getting first benefit and on certain terms and conditions had been laid down in the said G.R. for granting the second benefit to the Government Servants. It is their contention that as per condition No. D (1) of the G.R. while sanctioning second benefit, the applicant should fulfill prescribed terms and conditions as per G.R. dated 20th July, 2001. It is their further contention that as per the point No. 5 mentioned in the G.R. dated 20.7.2001 while sanctioning higher pay scale of promotional post to the employee, he should possess educational qualification, eligibility, seniority etc. required for the higher pay scale of promotional post. It is their contention that the applicant has not acquired required educational qualification for the next promotional post i.e. of Biochemist, though he has completed next 12 years' of regular service after first benefit. Therefore, he was denied next higher pay scale of promotional post and accordingly the order has been issued by the respondents. It is their contention that the applicant requested to grant benefit of

“Revised In-Service Assured Progression Scheme” by filing an application dated 10.11.2014 and his request was rejected by the respondent No. 2 previously on the ground that he was not fulfilling the educational criteria required for the promotional post by letter dated 18.02.2015. Not only this, but another similar proposal has been rejected by the respondent No. 2 by the communication dated 2.6.2013. It is their contention that the post of the applicant is not isolated post and as per hierarchy, for promotion on the post of Biochemist is available to the Lab. Technicians. It is their contention that they have rightly rejected the application of the applicant and, therefore, they prayed to reject the present Original Application.

6. Respondent No. 4 filed affidavit in reply and resisted the contention of the applicant. He has raised similar contentions to that of the contentions raised by the respondent Nos. 1 to 3 in their affidavit in reply. It is his contention that the application is barred by limitation and, therefore, it is liable to be dismissed. It is his

contention that the applicant has mentioned the names of the employee to whom the benefit has been granted under the said scheme and he has cited the names of Smt. Alka Khare, Mr. R.R. Atre, Mr. Syed Abubakr, Mr. K.V. Pawar and Mr. N.A. Lokhande, contending that they have received the benefit though they do not possess the educational qualification required for the next higher post of Biochemist. It is his contention that the issue regarding grant of benefit of "Revised In-Service Assured Progression Scheme" to the above said employees have been considered by the respondent No. 2 and the respondent No. 2 by its letter dated 22.06.2017 directed the respondent No. 4 to initiate enquiry against the above said employees and to verify the record and to take appropriate steps in that regard. It is his contention that on receiving the enquiry report the respondents will take proper action against them. It is his contention that as per G.R. dated 1.4.2010 the benefit of higher pay scale would be available twice in the whole service career of the Government employees. The said G.R. dated 1.4.2010 mentions that the second benefit will be given to those Government

Servants who had completed 12 years' regular service after getting first benefit and after fulfillment of the terms and conditions mentioned therein in the G.R. It is his contention that as per the condition D (1) of the G.R. dated 1.4.2010 while sanctioning second benefit, the employee should fulfill prescribed terms and conditions as per G.R. dated 20th July, 2001 and more particularly point No. 5, which provides that while sanctioning higher pay scale of promotional post to the employee, he should possess educational qualification, eligibility, seniority etc. required for the higher pay scale of promotional post. It is his contention that the applicant was not having educational qualification required for the next higher promotional post i.e. of Biochemist and, therefore, he was denied next higher pay scale of promotional post. It is his contention that the impugned order is rightly issued and, therefore, he prayed to reject the present Original Application.

7. I have heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned

Presenting Officer for the respondents. I have perused the application, affidavit, affidavit in reply filed by the respondents. I have also perused the documents placed on record by both the parties.

8. Admittedly, the applicant entered the service of the respondent No. 1 Government of Maharashtra in its Medical Education & Drugs Department as a Laboratory Assistant on 1.3.1985 and thereafter appointed on the establishment of respondent No. 4, Dean, Government Dental College & Hospital, Aurangabad. Admittedly, in the year 1997 he had completed 12 years of continuous service in that cadre and accordingly he was extended the benefit of higher pay scale attached to the next higher promotional post i.e. Lab. Technician w.e.f. 1.3.1997 in view of the scheme of time bound promotion introduced vide G.R. dated 8.6.1995. Admittedly, on 20.4.2012, he was actually promoted to the post of Lab. Technician, as per his seniority in his cadre. Admittedly, in the year 2009 the applicant was transferred from the establishment of respondent No. 4 i.e. Govt. Dental

College & Hospital, Aurangabad to the establishment of respondent No. 3 i.e. the Government Medical College at Aurangabad and accordingly he was relieved on 22.09.2009 and he joined the establishment of respondent No. 3 on the same day. Admittedly, the applicant rendered 12 years continuous service after getting first benefit under the said scheme. It is not much disputed that the applicant was not possessing the required educational qualification for the promotion on the post of Bio-chemist, which is a promotional post for the post of Lab. Technician. Admittedly, the applicant made representation to the respondents and prayed to extend the second benefit under "Revised In-Service Assured Progression Scheme" introduced by G.R. dated 1.4.2010. Admittedly, on 18.2.2015 respondent No. 3 rejected his request and denied to extend him the benefit under the said scheme by its communication on the ground that he was not fulfilling educational qualification required for the next higher promotional post i.e. Biochemist.

9. Learned Advocate for the applicant has submitted that the applicant, as well as, Smt. Alka Khare, Mr. Syed

Abubakr have joined the Government service on the same date on the same post of Lab. Assistant. The cases of Mr. Syed Abubakr and Smt. Alka Khare are identical to the case of present applicant, but those employees were working on the establishment of respondent No. 4. Respondent No. 4 granted second benefit under the scheme viz. "Revised In-Service Assured Progression Scheme" to those employees. Not only this, but other employees namely Smt. Alka Khare, Mr. M.Y. Pawar, Mr. K.V. Pawar and Mr. N.A. Lokhande, whose cases are most identical to the case of the applicant have also received the second benefit under the said scheme, but the respondent No. 3 had not extended the said benefit to the applicant and rejected his request by communication dated 18.02.2015, which is illegal.

10. He has submitted that no doubt the applicant is not possessing the educational qualification required for the promotional post of Biochemist. It does not mean that he is not entitled to get second benefit of the said scheme. He has submitted that after completion of 12 years' service

in the earlier post, the promotional avenue is not available to the applicant, since he has not acquired the requisite educational qualification and, therefore, the said post can be treated as an isolated post and, therefore, as per the G.R. dated 1.4.2010, as well as, G.R. dated 5.7.2010 the applicant is entitled to get second benefit under the said scheme. He has attracted my attention towards para No. D (3) of the G.R. dated 1.4.2010 and the G.R. dated 5.10.2017 and submitted that the said provisions are squarely applicable to the case of the applicant and the respondent No. 3 ought to have considered the said G.R. with proper perspective and granted the benefit to the applicant under the said scheme. He has submitted that the respondent No. 3 has not considered the provisions of the said G.R. properly and, therefore, wrongly rejected his application vide communication dated 18.2.2015. He has submitted that other employees viz. Smt. Alka Khare, Mr. R.R. Atre, Mr. Syed Abubakr, Mr. K.V. Pawar and Mr. N.A. Lokhande, who are similarly situated employees/persons had received the second benefit of the said scheme. The said benefit was granted by the respondent No. 4 but the

respondent No. 3 had rejected the request of the applicant without considering the said fact and, therefore, on the principles of parity he prayed to allow the present Original Application and to extend second benefit under the “Revised In-Service Assured Progression Scheme” w.e.f. 1.4.2010 to him by allowing the present Original Application.

11. Learned Presenting Officer has submitted that the applicant was initially appointed as Lab. Assistant. Thereafter, he was given benefit of first time bound promotion w.e.f. 1.3.1997 and he was given higher pay scale of the promotional post of Lab. Technician. He was actually promoted on the post of Lab. Technician on 20.4.2012. He has submitted that for the employees working on the post of Lab. Technician, the promotional post of Biochemist is available, subject to condition that they have to possess the required educational qualification in view of the Recruitment Rules viz. “the Biochemist, under the Directorate of Medical Education and Research of the Government of Maharashtra Class II (Recruitment)

Rules, 1986”, notified by the notification dated 24th June, 1986, which is placed on record at page-57. He has submitted that as the promotional post of Biochemist is available to the employees working on the post of Lab. Technician, the present post of the applicant i.e. Lab. Technician cannot be treated as an isolated post. He has submitted that in view of the G.R. dated 20.7.2001, as well as, G.R. dated 1.4.2010 while sanctioning higher pay scale of promotional post to the employee, he should possess educational qualification, eligibility, seniority etc. required for the higher pay scale of promotional post. But the applicant was not fulfilling the criteria of educational qualification required for the post next higher promotional post i.e. Biochemist and, therefore, he was denied the next higher pay scale of promotional post though he had completed 12 years’ regular service after getting first benefit. He has submitted that in view of the said provisions the respondent No. 3 has rightly rejected the request of the applicant and, therefore, he prayed to reject the present Original Application.

12. Learned Presenting Officer has further submitted that the applicant is claiming relief to extend the second benefit under the “Revised In-Service Assured Progression Scheme” on the principles of parity, as respondent No. 4 has granted the said benefit to the similarly situated persons, who joined the service along with the applicant. He has submitted that irregularity and illegality committed by respondent No. 4 while granting second benefit under the “Revised In-Service Assured Progression Scheme” to Smt. Alka Khare and other employees, had been noticed by respondent No. 2, the Director of Medical Education and Research Mumbai and he directed the respondent No. 4 to make enquiry in that matter and to submit report and to take necessary action in that matter. He has submitted that the respondent No. 4 has obtained the undertaking from those employees while granting the second benefit under the “Revised In-Service Assured Progression Scheme” by which those employees undertook to refund the amount if the amount was paid to them wrongly. He has submitted that second benefit given to those employees is not permissible as per the said G.Rs.

and, therefore, the applicant cannot claim the relief on the principles of parity. He, therefore, prayed to reject the present Original Application.

13. On going through the record, it is crystal clear that for the post of Lab. Assistant the promotional avenue on the post of Lab. Technician is available. Rules viz. the Biochemist, under the Directorate of Medical Education and Research of the Government of Maharashtra Class II (Recruitment) Rules, 1986, notified by the notification dated 24th June, 1986, provides that post of Biochemist shall be made available by promotion of a suitable person on the basis of seniority subject to fitness from amongst the person holding the posts of Laboratory Technician in the Directorate, who possess the required educational qualification. The relevant rule is material and, therefore, I reproduce the same as under : -

“NOTIFICATION”
MEDICAL EDUCATION AND DRUG
DEPARTEMNT,
Mantralay, Bombay-400032.
Date: 24 June 1986.

3. Appointment to the post of Biochemist under the Directorate shall be made either,-

(1) By promotion of a suitable person on the basis of seniority subject to fitness from amongst the person holding the posts of Laboratory Technician in the Directorate, who possess –

(a) at least a bachelours degree in science, with Biochemistry or Chemistry, and Zoology.

(b) Experience of not less than five years in the post of Laboratory Technician under the Directorate; OR

(2) By nomination from amongst the candidates who-

(a) Unless clearly in the service of Government, are not more than thirty two years of age.

(b) Possess a master's degree in Biochemistry; and

(c) Possess experience of working in Laboratory for not less than 2 years gained after acquiring the master's degree.

Provided that, the age limit may be relaxed by Government on the recommendation of the commission in favours of candidates having exceptional qualification or experience or both.”

14. It shows that the employee, who was working on the post of Lab. Technician can be promoted on the post of Biochemist subject to fulfillment of the educational qualification and other conditions mentioned therein. Therefore, it cannot be said that the post of the Lab. Technician is isolated post and, therefore, the provisions of G.R. dated 5.7.2010 is not attracted in the instant case.

15. Admittedly, the applicant was given the benefit of first time bound promotion in view of the scheme introduced vide G.R. dated 8.6.1995 w.e.f. 1.3.1997. Admittedly, in the year 2010 the Government has issued G.R. dated 1.4.2010 and introduced the “Revised In-Service Assured Progression Scheme”, which provides the benefit of higher pay scale would be available twice in the whole service career to the Government employee. The second benefit would be given to those Government

employees, who have completed 12 years' service after getting first benefit. In the G.R. certain terms and conditions have been laid down for granting the second benefit under the scheme Revised In-Service Assured Progression Scheme to the employees. Condition No. D (1) of the G.R. specifically provides that while granting second benefit under the scheme, employee should fulfill prescribed terms and conditions as per G.R. dated 20th July, 2001. Clause No. 5 of the G.R. dated 20.7.2001 provides that while sanctioning higher pay scale of promotional post to the employee, he should possess educational qualification, eligibility, seniority etc. required for the higher pay scale of promotional post. The provision of the G.R. dated 20.07.2001 is material and, therefore, I reproduce the same as under: -

*“राज्य शासकी कर्मचा-यांना सेवांतर्गत
आशवासित प्रगती योजना लागू करणेबाबत.*

*महाराष्ट्र शासन
वित्त विभाग*

*शासन निर्णय, क्रमांक : वेतन-१९९९/प्र.क.२/९९/सेवा-३
मंत्रालय, मुंबई ४०० ०३२, दिनांक २० जुलै २००९*

शासन निर्णय

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शासन आता असे आदेश देत आहे की संदर्भाधीन अनुक्रमांक (१) येथील शासन निर्णयान्वये अंमलात आलेली कालबद्ध पदोन्नती योजना बंद करून त्याऐवजी सेवाअंतर्गत आश्वासित प्रगती योजना लागू करण्यात यावी. ही योजना पुढीलप्रमाणे अंमलात येईल.

(१)

(२)

(३)

(४)

(५) या योजनेअंतर्गत पदोन्नतीच्या पदाची वेतनश्रेणी देय ठरविली असल्याने वरिष्ठ वेतनश्रेणी मिळण्यासाठी पदोन्नतीच्या पदाकरिता विहित केलेली अर्हता, पात्रता, ज्येष्ठता, अर्हता परिक्षा, विभागीय परिक्षा या सर्व बाबींची पूर्तता करणे तसेच पदोन्नतीची कार्यपध्दती अनुसरणे आवश्यक राहिल. जेथे या शासन निर्णयासोबतच्या परिशिष्टातील वेतनश्रेणी मंजूर करण्यात येईल तेथे गोपनीय अहवालाच्या आधारे पात्रता तपासण्यात यावी.”

The Government Resolution dated 01.04.2010

provides as follows: -

“राज्य शासकी कर्मचा-यांना सेवांतर्गत आश्वासित प्रगती योजना लागू करणेबाबत.

महाराष्ट्र शासन
 वित्त विभाग

शासन निर्णय, क्रमांक : वेतन-११०९/प्र.क्र.४४/सेवा-३

मंत्रालय, मुंबई ४०० ०३२, दिनांक १ एप्रिल २०१०

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२.(ड) योजनेच्या दुस-या लाभासाठी पात्रतेची अटी व शर्ती :
 (१) पहिला लाभ घेतलेल्या व त्यानंतर प्रत्यक्ष पदोन्नती मिळालेल्या कर्मचा-यास दुसरा लाभ मंजूर करताना तो पहिल्या लाभाप्रमाणेच दिनांक २० जुलै २००१, च्या आदेशामधील व यासंबंधी वेळोवेळी निर्गमित करण्यात आलेल्या स्पष्टीकरणात्मक आदेशांतील तरतुदीच्या अधिन मंजूर करण्यात यावा. म्हणजेच, ज्या पदाची वेतनसंरचना मंजूर करण्यात येणार आहे, त्या पदावर प्रत्यक्ष पदोन्नती मिळण्यासाठी विहित केलेल्या अटी व शर्तीची पूर्तता करणे आवश्यक राहिल.”

The aforesaid Government Resolutions specifically provide that for getting second benefit under the said scheme, the Government employee has to fulfill the conditions mentioned therein. He should possess educational qualification, eligibility, seniority etc. required for the higher pay scale of promotional post. In the instant case, the higher promotional scale for the post of Lab. Technician is of Biochemist and for the next higher promotional post i.e. Biochemist one has to possess the required educational qualification. In the instant case, the applicant is not possessing the required educational

qualification required for the promotion on the post of Biochemist and, therefore, in view of the provisions of G.Rs. dated 20.7.2001 and 1.4.2010, he is not eligible to get the second benefit under the said scheme as he is not eligible for the promotional post because of lack of educational qualification. The respondent No. 3 has rightly rejected the application of the applicant by recording the said reasons in its order dated 18.2.2015. Therefore, I do not find any illegality in the impugned order dated 18.2.2015. Therefore, I do not find substance in the submission advanced by the learned Advocate for the applicant in that regard.

16. So far as the submissions made on behalf of the applicant to extend the benefit to the applicant on the principles of parity, it is material to note here that the respondent No. 4 has extended the second benefit to the employees similarly placed with the applicant in contravention of the provisions of the G.Rs. dated 20.7.2001 and 1.4.2010 and the said fact has been noticed by the respondent No. 2 and he directed an

enquiry in the matter and directed the respondent No. 4 to take proper steps in that regard. Therefore, the applicant cannot claim the same relief on the principles of parity. Not only this, but the order passed by the respondent No. 4 extending second benefit under the “Revised In-Service Assured Progression Scheme” to the employees, who were similarly placed with the applicant in contravention of the provisions of the G.Rs. dated 20.7.2001 and 1.4.2010 cannot be considered for granting same benefit to the applicant, as the said order was against the provisions of the above said G.Rs. Therefore, the applicant cannot claim relief on the principles of parity and, therefore, I do not find force in the submissions advanced by the learned Advocate for the applicant.

17. In view of the aforesaid discussions, the applicant is not entitled to get the second benefit under the “Revised In Service Assured Progression Scheme” as he was not eligible for the higher promotional post of Biochemist as he did not possess the educational qualification, eligibility for the said post. The respondent No. 3 has rightly

rejected the claim of the applicant in view of the provisions of G.Rs. dated 20.7.2001 and 1.4.2010. There is no illegality in the impugned order. The impugned order is just, proper and legal. Therefore, no interference is called for in the impugned order. There is no merit in the present Original Application. Consequently, it deserves to be dismissed.

18. In view of the above discussion, the present Original Application stands dismissed with no order as to costs.

MEMBER (J)

O.A.NO.840-2016(SB)-HDD-2017-
time bound