

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 100/2019 (S.B.)**

Shri Mahadeo Vithalraoji Dolaskar,  
Age 60 years, Occupation : Retired,  
Resident of 8-B, Gurudeo Nagpur,  
Hudkeshwar Road,  
Nagpur -440 001.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through Secretary,  
Water Resources Department,  
Maharashtra, Mantralaya, Mumbai – 400 032.
- 2) The Chief Engineer,  
Water Resources,  
Sinchan Sewa Bhawan, Civil Lines,  
Nagpur – 440 001.
- 3) The Superintendent Engineer,  
Nagpur Irrigation Circle,  
Sinchan Sewa Bhavan,  
Civil Lines, Nagpur -440 001.
- 4) The Executive Engineer,  
Lower Wardha Canal Division,  
Wardha.
- 5) The Accountant General,  
(A & E)-II, Maharashtra,  
Civil Lines, Nagpur-440 001

**Respondents**

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**Shri K.J.Khanorkar, Id. Counsel for the applicant.**

**Shri A.P.Potnis, Id. P.O. for the Respondents 1, 2 & 5.**

**Shri H.D.Marathe, Id. Counsel for the respondents 3 & 4.**

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**Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**

**Dated :- 23.11.2023.**

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### **JUDGEMENT**

Heard K.J.Khanorkar, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents 1, 2 & 5. None for the respondent nos.3 & 4.

2. Case of the applicant in short is as under-

The applicant was in the service of respondents 2, 3 and 4. The applicant is retired on 31.05.2016. The applicant is claiming that he was granted first time bound promotion in the year 2013 instead of 2003. Therefore, he approached to this Tribunal for the following reliefs-

***(1) extend the benefit of 12th and 24th year time bound promotions by correcting date of first time bound promotion as on 11.12.2003 instead of 11.12.2013.***

***(2) pay interest on delayed payment of arrears of pay and allowances paid to the Applicant after 6 years i.e. paid in November, 2015(2009 to 2015) @Rs.18/-per annum,***

***(b) Any other just and equitable orders not specifically prayed for but are deemed just and proper under the facts and circumstances of the case may be granted in favour of the applicant. And for this act of kindness, the applicant shall as in duty bound ever pray.***

3. The O.A. is strongly opposed by the respondents. It is submitted that the applicant was continuously absent for a long period and, therefore, he was not granted first time bound promotion in the year 2003. The respondents have granted time bound promotion in the year 2013.

4. During the course of submission, the learned counsel for the applicant has pointed out the G.R. of 1995. There is no dispute about the G.R. and granting the time bound promotion after completion of 12 years of service provided that the employee should be eligible for promotion and there is no promotional post available. His service record should be clean.

5. From the chart produced on record. It is clear that the applicant was absent for about 3508 days in his service period. In the year 1997-98, he was absent continuously about 394 days, he was absent from 21.05.1998 to 15.11.2099 about 544 days and, thereafter on

18.11.1999 to 06.08.2001 he was absent for about 627 days. From 27.04.2002 to 04.05.2005 he was absent about 1025 days. This itself show that applicant was not punctual. Therefore, he was not eligible to get the first time bound promotion in the year 2003. The chart is produced below-

कालावधी	एकुण दिवस	रजेचा प्रकार	रजेचे कारणे.
दि.१५/४/९३ ते ६/४/९३	३५८ दिवस	परावर्तीत रजा	स्वतःचे वैद्यकीय कारणास्तव
दि.१३/२/९५ ते १०/१०/९५	२४० दिवस	परावर्तीत रजा	स्वतःचे वैद्यकीय कारणास्तव
दि.२०/२/९७ ते १९/३/९८	३९४ दिवस	अर्जित रजा	पत्नीचे आजारामुळे
दि.२१/५/९८ ते १५/११/९९	५४४ दिवस	परावर्तीत रजा	स्वतःचे वैद्यकीय कारणास्तव
दि.१८/११/९९ ते ६/८/२००१	६२७ दिवस	परावर्तीत रजा	स्वतःचे वैद्यकीय कारणास्तव
दि.२७/४/०२ ते ४/५/२००५	१०२५ दिवस	परावर्तीत रजा	स्वतःचे वैद्यकीय कारणास्तव
दि.४/१०/०५ ते ११/१०/२००५	८ दिवस	अर्जित रजा	खाजगी कारणास्तव
दि.१०/४/०६ ते १५/४/२००६	६ दिवस	अर्जित रजा	मुलीची प्रकृती बिघडल्यामुळे
दि.६/५/०६ ते १९/६/२००६	१४ दिवस	अर्जित रजा	मुलीची प्रकृती बिघडल्यामुळे
दि.१७/८/०६ ते १९/८/२००६	३ दिवस	अर्जित रजा	खाजगी कारणास्तव
दि.१/९/०६ ते १६/६/२००७	२८९ दिवस	परावर्तीत रजा	स्वतःचे वैद्यकीय कारणास्तव

6. Looking to the absenteeism of the applicant, he is not entitled to claim first time bound promotion w.e.f. 2003. Hence, the following order.

**ORDER**

The O.A. is dismissed with no order as to costs.

**(Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated :- 23/11/2023.**  
**rsm**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 23/11/2023.  
and pronounced on