

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 773/2019 (S.B.)

Ms. Deepti Bhimrao Naik,
(Ms. Indu Patil),
Aged 61 years,
Occ.: Retired Employee,
R/o 589, Bezen Bagh, Nagpur-14.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.
- 2) The Divisional Commissioner,
Nagpur Division, Nagpur-01.
- 3) The Collector, Civil Lines,
Nagpur – 01.

Respondents

Shri S.M.Khan, Id. Counsel for the applicant.

Shri S.A.Sainis, Id. P.O. for the Respondents.

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

Dated :- 23.11.2023.

JUDGEMENT

Heard S.M.Khan, Id. counsel for the applicant and Shri
S.A.Sainis, Id. P.O. for the Respondents.

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

The applicant was working as Naib Tahsildar. The applicant retired on 31.08.2016. The applicant was not granted time bound promotion in the year 1997 and, thereafter, second time bound promotion after completion of 12 years of service. Therefore, the applicant has approached to this Tribunal for the following reliefs-

- i) To grant benefits of first time bound promotion w.e.f. 01/10/1994 on completion of 12 years of continuous service from date of appointment.*
- ii) To grant benefits of second time bound promotion / Assured Carrier Progressive Scheme w.e.f. 01/10/2006 on completion of 24 years of continuous service.*
- iii) To pay the arrears of re-fixation of salary & pension already paid and renovate the pension and retiral benefits accordingly along with interest thereon.*

3. The respondent no.3 has filed reply. It is submitted that the C.Rs. of the applicant were not good and therefore, she was not entitled to grant time bound promotion.

4. During the course of submission, learned counsel for the applicant has pointed out the reply filed by respondents. The details in respect of C.Rs. of the applicant are given in para 6 of the reply. It is reproduced below-

YEAR	PERIOD	CONFIDENTIAL REPORT	REMARKS
1989-1990	01.04.1989 to 31.03.1990	B-	Confidential report for last 5 years is also not found to be B (Good) and therefore she again failed to qualify for time bound promotion. It is pertinent to note here that the adverse C.R. was communicated to the applicant.
1990-1991	01.04.1990 to 17.12.1990	Certificate	
	18.12.1990 to 31.03.1991	B-	
1991-1992	01.04.1991 to 31.03.1992	B-	
1992-1993	01.04.1992 to 03.06.1992	Certificate	
	04.06.1992 to 03.10.1992	B-	
	04.10.1992 to 31.03.1993	B-	
1993-1994	01.04.1993 to 17.06.1993	Certificate	
	18.06.1993 to 09.03.1994	B-	
1994-1995	01.04.1994 to 31.03.1995	B	
1995-1996	05.05.1995 to 27.02.1996	B-	
1996-1997	01-04-1996 to	A	

	31.07.1996		
	12.08.1996	to	B
	31.03.1997		
1997-1998	01.04.1997	to	B
	31.03.1998		
1998-1999	01.05.1998	to	B
	30.11.1998		

5. As per the chart, the applicant has secured C.R. of 'B' & 'B+'. Therefore, she was entitled to get the benefit of time bound promotion. The applicant is claiming first time bound promotion w.e.f. 01.10.1997 and, thereafter, second time bound promotion after completion of 12 years of service.

6. The learned P.O. submits that there was some adverse C.R. of the year 2008-09 and it was communicated to the applicant. The learned counsel for the applicant submits that it was not communicated to the applicant. The CR of 2006-07 is of 'B+' 2007-08 of 'A', 2009-10 of 'B+' and 2010-11 'B+'. In all average the applicant has secured 'B+' CR except CR of the years 2008-09. As per the submission of the applicant, it was not communicated to the applicant. Before that C.R. there was C.R. of rating 'B+' and 'A' and, thereafter also 'B+'. Looking to the reply filed by respondents the applicant was entitled for the first and second time bound promotion as prayed. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. The respondents are directed to grant first time bound promotion w.e.f. 01.10.1997 and thereafter, second time bound promotion after the completion of 12 years service as per Rules and as per G.Rs. issued by the Government from time to time.
3. 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