

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1027 of 2022 (S.B.)

Raju S/o Gopalrao Khedikar,
Aged 63 years, Occ. Retired,
R/o Plot No.7, Flat No.204,
Trimurti Plaza, Renuka Nagar,
Hudkeshwar, Nagpur-440 034.

Applicant.

Versus

- 1) State of Maharashtra through its
Principal Secretary, Water Resources Department,
Mantralaya, Mumbai-32.
- 2) Accounts Officer,
Pay Verification Unit, Civil Lines, Nagpur.
- 3) Executive Engineer, Irrigation and Hydro Electric Project,
Investigation Division, Wainganga Nagar, Ajni,
Nagpur-440 003.

Respondents.

Shri R.M. Fating, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

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

Dated :- 17/10/2023.

J U D G M E N T

Heard Shri R.M. Fating, learned counsel for the applicant
and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was initially appointed on the post of
Technical Assistant on work charge basis w.e.f. 19/11/1981. The
applicant was brought on Converted Regularly Temporary

Establishment (CRTE) on the post of Technical Assistant w.e.f. 19/11/1986. Subsequently, the applicant was absorbed on the post of Civil Engineering Assistant w.e.f. 29/10/2003. The applicant was given 1st and 2nd time bound promotion by counting his regular service from the date of his initial appointment on work charge basis. The applicant is now retired. The Pay Verification Unit raised objection about granting of 2nd time bound promotion by taking into account his initial service on work charge basis. As per the objection raised by the Pay Verification Unit, the 2nd time bound promotion should have been given after 12 years service, i.e., on 15/11/2010 instead of 15/11/2006. The objection was raised by the Pay Verification Unit that from the date of absorption on the post of Civil Engineering Assistant,

(2nd) time bound promotion of 12 years service should have been counted, but his service is only counted on work charge basis. The 2nd benefit required to be granted on 15.11.2010 after 12 Years from 19.11.1998.

section carried as per order 3-11-2023 in A. 44/23
8/7-11
Register respondent no.3 has not corrected the objection raised by respondent no.2. Hence, the applicant approached to this Tribunal.

3. The O.A. is opposed by the respondents. It is submitted by respondent no.3 that 1st and 2nd time bound promotion was given correctly. The respondent no.2 submitted that respondent no.3 has wrongly granted 2nd time bound promotion. Hence, the O.A. is liable to be dismissed.

4. During the pendency of the O.A., the applicant has deleted the prayer clause nos.1 and 2 and added prayer clause (i), (i) (a), (i) (b) and (ii).

5. The applicant has now only prayed that objection raised by respondent no.2 is correct and respondent no.3 be directed to correct the date of 2nd time bound promotion. Instead of granting 2nd time bound promotion w.e.f. 15/11/2006 should be granted on 15/11/2010.

6. Now there is no dispute that respondent no.3 has wrongly granted 2nd time bound promotion w.e.f. 15/11/²⁰⁰⁶~~2010~~. The applicant is admitting the same. The respondent no.2 also submitted along with the reply that whatever excess amount paid to the applicant shall not be recovered. The learned P.O. has relied on the G.R. filed along with the reply of respondent no.2 and submits that excess amount paid to the applicant shall not be recovered in view of the G.R. dated 18/10/2022. It appears from the submission of respondent no.2 that the excess amount shall not be recovered from the applicant. The respondent no.2 itself filed the G.R. dated 18/10/2022 along with the reply. It appears that respondent no.2 is supporting the case of the applicant. Hence, the following order –

ORDER

(i) The O.A. is partly allowed.

rection carried
as per order
03.11.2023
M.C.A. 44/23

D
7/11
registrar

(ii) The respondents are directed to revise the pay of the applicant by granting 2nd time bound promotion on 19/11/2010 instead of 15/11/2006 and submit the revised pension case to the Pay Verification Unit, i.e., respondent no.2. The excess amount, if any, shall not be recovered from the applicant.

(iii) No order as to costs.

Dated :- 17/10/2023.

(Justice M.G. Giratkar)
Vice Chairman.

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