

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 1138/2021 (S.B.)**

Pramod Laxmanrao Meshram,  
aged 58 years, occupation Retired  
Assistant Live Stock Development Officer Class III,  
resident of Plot NO.49, Aradhana Nagar No.2,  
Mangaldeep Nagar, Manewada Besa Road,  
Nagpur 440034 [Mobile No.9850377838.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Agriculture,  
Animal Husbandry,  
Dairy Development and Fishery,  
Mantralaya, Mumbai -32.
- 2) The Commissioner  
of Animal Husbandry Department,  
Maharashtra State, Oundh, Pune -67.
- 3) The Joint Commissioner  
of Animal Husbandry [H.Q.] Commissionerate,  
Maharashtra State, Pune 67.

- 4) The District Deputy Commissioner  
of Animal Husbandry,  
Telankhedi, Nagpur 44000.

**Respondents**

---

Shri B.Kulkarni, Ld. Counsel for the applicant.  
Shri A.M.Ghogre, Ld. P.O. for the respondents.

---

**Coram:- Hon'ble Shri M.A.Lovekar, Member (J).**

**Dated: - 2<sup>nd</sup> August 2023.**

---

**JUDGMENT**

**Judgment is reserved on 1<sup>st</sup> August, 2023.**

**Judgment is pronounced on 2<sup>nd</sup> August, 2023.**

Heard Shri B.Kulkarni, learned counsel for the applicant and Shri A.M.Ghogre, learned P.O. for the respondents.

2. The applicant was working as Assistant Livestock Development Officer – Class III. Benefits of first and second time bound promotion were granted to him w.e.f. 13.09.1996 and 13.09.2008, respectively by order dated 31.07.2014 (Annexure A-4). The applicant retired on superannuation on 30.06.2021. Thereafter, by the impugned order dated 01.12.2021 (Annexure A-1) the dates for grant of first and second time bound promotion were modified to 13.09.1997 and 13.09.2009,

respectively. In the impugned order reason for such modification was stated as follows-

श्री. प्रमोद मेश्राम, यांचे मागील पाच वर्षांचे गोपनीय अहवाल प्रतवारीची सरासरी "ब" पेक्षा कमी येत असल्याने प्राप्त अभिलेखानुसार सन १९९१-९२ ते १९९६-९७ चे गोपनीय अहवालानुसार प्रतवारी करून दि.१३/०९/१९९७ रोजी कालबद्ध पदोन्नतीचा लाभ मंजूर करण्यात आला असून दिलेला लाभ हा गोपनीय अहवाल प्रतवारीनुसार बरोबर असल्याचे निदर्शनास आले आहे. त्यामुळे श्री प्रमोद मेश्राम यांना सेवांतर्गत आश्वासित प्रगतीचा योजनेचा दुसरा लाभ हा दि.१३/०९/२००९ ला देणे अपेक्षित होते. करीता सदरप्रकरणी शुद्धीपत्रक निर्गमित करण्यात आले असून सदर शुद्धीपत्रकाची प्रत सोबत जोडून पाठविण्यात येत आहे.

It is the contention of the applicant that the impugned order has the effect of setting the clock back quite belatedly, and it is malafide.

3. Stand of the respondents is as follows. When first time bound promotion was given to the applicant w.e.f. 13.09.1996 his A.C.R. for 1991-92 was not available and his A.C.Rs. for 1992-93, 1993-94, 1994-95 and 1995-96 were B-, B-, A/B and B, respectively. Subsequently, A.C.R. for 1991-92 became available which was "B-". This was taken note of and the impugned corrigendum was issued as per the policy decision taken in meeting dated 10.03.2000.

4. It is the contention of the applicant that A.C.R. for 1991-92 was not communicated to him and hence, by relying on the same the

impugned order could not have been passed. It is not the stand of the respondents that A.C.R. for 1991-92 was communicated to the applicant. It is settled position of law that uncommunicated A.C.R. cannot be relied upon to deny promotion. This proposition regarding uncommunicated A.C.R. being not relevant for passing an order which prejudicially affects service conditions of employee can be applied in this case too. In the instant case the applicant retired on superannuation on 30.06.2021. The impugned order was passed on 01.12.2021 by relying on uncommunicated A.C.R. for 1991-92. Had the impugned order been issued before retirement of the applicant he could have made a representation to upgrade the concerned A.C.R.. Keeping this factual and legal position in view the impugned order dated 01.12.2021 cannot be sustained. It is accordingly quashed and set aside. No order as to costs. O.A. is allowed in these terms.

(M.A.Lovekar)  
Member (J)

Dated – 02/08/2023  
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 Member (J).  
Judgment signed on : 02/08/2023.  
and pronounced on