

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 829 of 2011**

1. Dinkar Onkar Jadhav,  
Aged about 60 years, Occ.-Retired,  
Govt. Servant, R/o Laxminiwas,  
Laxminagar, Buldhana.

2. Dashrath Sitaram Kule,  
Aged about 60 yrs., Occ.  
Retired Govt. Servant,  
R/o Saraswati Nagar,  
Buldhana.

**Applicant.**

**Versus**

1) The State of Maharashtra  
through the Secretary,  
Water Supply, Sanitation,  
Department, Mantralaya, Mumbai-32.

2) The Director,  
Earth Water Survey and  
Development Department,  
Maharashtra State,  
Pune-5.

3) Deputy Director,  
Earth Water Survey and  
Development Department,  
Amravati Division  
Dr. Fundkar's Bungalow,  
Paranjape Colony,  
Camp, Amravati.

**Respondents**

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**Shri Amol Mardikar, Advocate for the applicants.**

**Shri S.A.Sainis, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri J.D. Kulkarni,  
Vice-Chairman (J).**

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**JUDGEMENT**

**(Delivered on 15<sup>th</sup> June, 2017)**

Heard Shri Amol Mardikar, Id. counsel for the applicants and Shri S.A.Sainis, Id. P.O. for the respondents.

2. Both the applicants in this O.A. have got retired on superannuation. They were appointed as Drivers by the respondents in the year 1974. The applicant no. 1 got retired on 31/05/2011, whereas the applicant no. 2 got retired on 30/10/2009.

3. On 29/04/1988 the applicant were promoted as Air Compressor Driver, but they refused the promotion. According to the applicant, as per Government Notification dated 08/06/1995 and 01/11/2008, the applicants are entitled to time bound promotion, since there is no scope for the applicants' promotion any more.

4. The applicants claim was, however, rejected by the respondents vide letter dated 05/10.8.11 and, therefore, this application. The applicants are claiming declaration that they are entitled for higher pay scale from 01/10/1994.

5. The respondent no. 3 resisted the claim by filing an affidavit in reply. According to the respondent no. 3, the applicants were promoted as Air Compressor Driver in the establishment of Zilla

Parishad, Yavatmal, but vide communication dated 03/05/1998 they refused the promotion. The applicants are, therefore, not entitled for any higher pay scale. It is further stated that the applicants were reluctant to accept promotion of the post of Air Compressor Driver as they required to go Yavatmal on promotional post and as per the Government Resolution dated 08/06/1994 and 20/07/2001 issued by the Government of Maharashtra, a person who refuses the promotion is not entitled to a higher pay scale under time bound promotion scheme and, therefore, the applicants claim has been rightly rejected.

6. The Id. P.O. invited my attention to the letter Annexure-R1 issued by both the applicants in which they have stated that they are not ready to accept the promotion for the post of Air Compressor Driver. It is therefore the applicants, who refused to accept the regular promotion.

7. The Id. P.O. has also invited my attention to the contents of Government Resolution dated 08/06/1994 and the relevant contention in the said Government Resolution is as under:-

¼; ½ ; k ; kstusvr x r i nksturh feGlyh rjh de p k & ; k p s u k o d f u " B ¼ e G ½  
 l o x k p ; k T ; s B r k l p h r j k g h y - v k f . k l o k i o s k f u ; e k r h y r j r m h u d k j m i y c / k  
 f j D r r r ; k k ; o G h f u ; f e r i n k s t u r h l k B h @ R ; k o k f o p k j d j . ; k r ; b j y - f u ; f e r  
 i n k s t u r h l v i k = B j y y ; k d e p k & ; k l ; k ; k s t u p k y k H k f e G . k k j u k g h - R ; k p i e k . k s  
 f u ; f e r i n k s t u r h u k d k j y y ; k d e p k & ; k l n s [ k h y ; k i n k s t u r h p k y k H k f e G w

'kd.kkj ukgh- ; k vk/khp R; kauk@i nksburh fnyh vl Y; kl eGP; k i nkoj i nkour  
 dj.; kr ; bzy- r'kk vk'k; kpscalki = depk&; kauk fyguu | kosyky- ek= ns; kr  
 vkyy; k vkfkd ykHkph ol nyh dsyh tk.kkj ukgh-

8. The Id. P.O. has also invited my attention to the Government Resolution dated 20/07/2001 and particularly para no. 2 (8) of the Government Resolution which reads as under :-

¼8½ fu; fer i nksburh ukdkjy; k rl p fu; fer i nksburhl vi k= Bjy; k  
 depk&; kauk ; k ; kst upk ykHk ns gskkj ukgh- ; k ; kst usvxr ofj "B oruJskh  
 fnY; kurj fu; fer i nksburh ukdkjy; k ok fu; fer i nksburhl vi k= Bjy; k  
 depk&; kauk ns; kr vkyykk ykHk dk<u ?ks; kr ; bzy- ek= fnyy; k ykHkph ol nyh  
 dj.; kr ; skkj ukgh-

9. From the aforesaid relevant portion of both the Government Resolutions, it will be clear that the employees who refused regular promotion are not entitled to time bound promotion. Since both the applicants in the present case have refused the regular promotion for the post of Air Compressor Driver in writing, the respondents have rightly rejected their claim for higher pay scale and I don't not find any reason to interfere in the said decision taken by the

respondents. Thus I don't find any merits in this O.A. Hence the following order:-

**ORDER**

- 1) O.A. stands dismissed.
- 2) No order as to costs.

**(J.D. Kulkarni)  
Vice-Chairman (J).**

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