

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.907/2018

DISTRICT: AURANGABAD

Shri. Prabhakar S/O Anandrao Satdive,
Age-67 years, occ- retired as Circle Officer,
Verul, Khultabad Tahsil, Tq. Khultabad,
District Aurangabad.

At present residing at Samta Nagar,
Jalna Road, Dist. Aurangabad.

...APPLICANT

V E R S U S

1. The State of Maharashtra,
Through Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.

2. The Chief Secretary,
Finance Department,
Mantralaya, Mumbai-32.

3. The Divisional Commissioner,
Revenue Department, Aurangabad.

4. The District Collector,
Aurangabad, District Aurangabad.

5. The Tahsidar,
Tahsil Office, Khultabad,
District Aurangabad.

6. The Accountant General-II (A & E),
Pension Wing Old Building,
Opp. Ravi Bhavan,
Civil lines, Nagpur.

...RESPONDENTS

APPEARANCE : Shri J.S.Deshmukh, Counsel for
Applicant.

: Shri N.U.Yadav, Presenting Officer
for respondent authorities.

CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN.

DECIDED ON : 10.03.2023.

ORAL ORDER:

1. Heard Shri J.S.Deshmukh, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for respondent authorities.

2. Applicant has filed the present O.A. seeking directions against the respondent no.4 to act upon the proposal dated 24-07-2014 sent by respondent no.5 for extension of second benefit of Assured Career Progression Scheme (ACPS). According to the applicant, he is entitled for such benefit under the G.R. dated 01-04-2010.

3. In the affidavit in reply filed on behalf of the respondent no.4 following averments are taken in paragraph 8 and 9 of O.A.:

“8. I further say and submit that, the present applicant has been retired on 31.07.2010. As such, in view of the orders passed by this Hon'ble Tribunal in O.A.No.296/2012 as referred above, the entitlement of the present applicant for grant of the benefits under G.R. dated 01.04.2010 is

required to be verified and examined in accordance with the essential conditions prescribed under the G.R. dated 01.04.2010.

9. I say and submit that, accordingly, the respondent No. 4 is required to verify the fact whether the applicant fulfilled the necessary conditions for the grant of the consequential benefits to be extended under the provisions of the G.R. dated 01.04.2010. For that purpose the proposal for consideration of the extension of the benefits of G.R. dated 01.04.2010 is required to be placed before the Departmental Promotion Committee of the office of the respondent No. 4 and the necessary decision as per the provisions of law is required to be taken in the meeting of Departmental Promotion Committee. The deponent assures this Hon'ble Tribunal that, the proposal for the consideration of the extension of the consequential benefits of G.R. dated 01.04.2010 would be placed before the Departmental Promotion Committee and the necessary decision as per law shall be taken within a period of 4 months.”

{reproduced ad-verbatim from p.b.page 42-43 of O.A.}

4. In view of the stand taken in the affidavit as aforesaid, present matter can be disposed of with the direction that the proposal of the applicant for the aforesaid benefit of second ACPS be placed before the Departmental

Promotion Committee (DPC) as undertaken in paragraph 9 above and to decide the same on its own merits and in accordance with the rules and the G.Rs. within 4 months as undertaken. The decision be communicated to the applicant. O.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

Place : Aurangabad

Date : 10.03.2023.