

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 279 of 2019 (S.B.)

Chandrashekhar Mahadevrao Dhole,
aged about 52 years. Occ. Service,
R/o 'Karmachari Vasahat', Pandharkawda, District Yeotmal.
Applicant.

Versus

1. State of Maharashtra,
through its secretary,
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. Commissioner,
Tribal Development, Maharashtra State,
Nashik.
3. Additional Commissioner Tribal Development,
Near Police Ground, Camp, Amravati

Respondents.

Shri R.V. Shiralkar Advocate for the applicant.

Shri A.M. Khadatkhar, learned P.O. for respondents.

WITH

ORIGINAL APPLICATION No. 280 of 2019 (S.B.)

Mrs. Kumud Chandrashekhar Dhole,
(Before marriage Ku. Kumud Chandrasen Nayak),
aged about 55 years. Occ. Service,
R/o 'Karmachari Vasahat', Pandharkawda, District Yeotmal.
Applicant.

Versus

1. State of Maharashtra,
through its secretary,
Department of Tribal Development,
Mantralaya, Mumbai-32.

2. Commissioner,
Tribal Development, Maharashtra State,
Nashik.

3. Additional Commissioner Tribal Development,
Near Police Ground, Camp, Amravati

Respondents.

Shri R.V. Shiralkar Advocate for the applicant.

Shri A.M. Khadatkhar, learned P.O. for respondents.

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

Date of Reserving for Judgment : 20th July,2023.

Date of Pronouncement of Judgment : 26th July,2023.

COMMON JUDGMENT

(Delivered on this 26th day of July,2023)

Heard Shri R.V. Shiralkar, learned counsel for the applicants and Shri A.M. Khadatkhar, learned P.O. for the respondents.

2. Both the applicants were appointed on temporary basis on the posts of Junior Clerk. They were continued in service. Their services were regularized by giving benefits of earlier service. Both the applicants submit that the similarly situated employee namely Shri Badhiye was granted time bound promotion after completion of 12/14 years of his service, whereas, the respondents have not granted the same to both the applicants. The proposal was made by respondent no.3, dated 03/02/2015 proposing to grant 1st and 2nd time bound promotion on 06/01/2003 and 06/01/2015 respectively, but the

respondents have granted 1st time bound promotion from the year 2008 and 2011 to the applicants. Hence, both the applicants approached to this Tribunal to grant time bound promotion as per proposal made by the Project Officer, Integrated Tribal Development Project (ITDP), Pandharkawada dated 03/02/2015.

3. The O.As. are strongly opposed by the respondents. It is submitted that both the applicants have not passed the requisite examination. They have not fulfilled all the requisite eligibility for regular promotion and therefore they cannot claim time bound promotion from 2003.

4. During the course of submission, the learned counsel for applicants has pointed out the Judgment of this Tribunal in O.A.No.422/2016 with connected matters, decided on 18/09/2019.

5. This Tribunal in the above cited Judgment has held that on the ground of parity the applicants are entitled to get time bound promotion. The para-8 and 9 of the Judgment are reproduced below –

“8. The Petitioner in Writ Petition No. No.3643/2009 (Mukund S/o Shankarlal Daima) was the Assistant Police Sub Inspector in Wireless Section of the Police Department and he joined service in the year 1980. The Petitioner cleared Class-IV examination and Class-III examination. Thereafter, he was unable to clear Class-II and Class-I examinations as per the norms fixed by the

Department. In this situation, in Para-19 it is held by the Hon'ble High Court as under –

"(19) In view of aforesaid, it would be appropriate that the petitioner employed in Wireless Section of Police Department is given benefit of promotion to the next level post without insisting upon departmental or Class-I and II examination, on attaining age of 45 years by giving deemed date of promotion. Since it is stated that petitioner is no longer in service having retired on superannuation, as such, he shall be given deemed date of promotion from the date of promotion of his junior, along with all consequential benefits."

9. In my opinion in view the above discussion, it is not possible to accept submission canvassed by the learned counsel for the applicants that it was not at all necessary for the applicants to clear the departmental examinations as per the norms fixed by the Police Department, but in view of the law laid down by the Hon'ble Bombay High Court in Writ Petition No.3643/2009, I am of the view that on ground of parity, on completion of age of 45 years, each applicant was entitled for the time bound promotion or the accrued Career Progressive as per the G.RS. issued by the Government."

6. The learned counsel for applicants has pointed out that similarly situated employee namely Shri Badhiye has been granted time bound promotion after completion of 12 and 14 years of service. On the ground of parity, the applicants are also entitled for time bound

promotion as per proposal dated 03/02/2015 submitted by the Project Officer, Integrated Tribal Development Project (ITDP), Pandharkawada, Dist. Yavatmal. Though the time bound promotion is to be granted from 2003, but as per the G.R. dated 21/05/2010 actual monetary benefits are to be granted w.e.f. 15/10/2009. In view of the G.R. dated 21/05/2010, the applicants are entitled to get money benefits w.e.f. 15/10/2009. Hence, the following order –

ORDER

- (i) The O.As. are allowed.
- (ii) The respondents are directed to grant time bound promotion to the applicants as per proposal made by the Project Officer, Integrated Tribal Development Project (ITDP), Pandharkawada, dated 03/02/2015 and grant monetary benefits as per the G.R. dated 21/05/2010.
- (iii) No order as to costs.

Dated :- 26/07/2023.

(Justice M.G. Giratkar)
Vice Chairman.

*dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 26/07/2023.