

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 321 of 2022 (S.B.)

1. Kamlakar Ramaji Niwal
Age: 65 yrs. Occ. Pensioner
R/o. Plot No.10, Sahakar Nagar, Khamla Rd, Nagpur - 22.
2. Purushttom Gopichand Mehar
Age: 64 Occ. Pensioner
R/o. 83, Ganesh Colony, Pratap Nagar Nagpur – 22.
3. Shrikrishna Natthuji Raut
Age: 63 Occ. Pensioner
R/o. 160, Gayatri nagar, S.A. road, Nagpur – 22.
4. Shreeram Krishnarao Tapse
Age: 64 Occ. Pensioner
R/o. Plot No 236, Abhayankar nagar, Nagpur-10.

Applicants.

Versus

1. The State of Maharashtra
(Copy to be served on CPO MAT at Nagpur)
Administrative Building, Civil Lines. Nagpur- 440001.
2. Secretary,
General Administrative Department,
Mumbai -Mantralaya - 32.
3. Secretary,
Finance Department, Govt. of Maharashtra,
Mumbai Mantralaya - 32.
4. Secretary,
Water Resource Department (CAD),
Govt. of Maharashtra Mumbai, Mantralaya – 32.
5. Superintendent Engineer,
Goshi Khurd, Lift Irrigation Circle,
Ambadi Bhandara.
6. Executive Engineer,
Ambhora Lift Irrigation Division,
Bhivapur, Dist. Nagpur.

7. Accounts Officer,
Pay Verification Unit,
Govt. Of Maharashtra,
Civil Lines - Nagpur – 440001.

Respondents.

**S/Shri D.R.I. Patil, S.D.I. Patil, S.M. Awachar, Advocates for the applicants.
Shri A.M.Ghogre, learned P.O. for respondent nos.1 to 4 and 7.
S/Shri D.M. Kakani,G.K. Bhusari, Advocates for respondent nos.5 and 6.**

WITH

ORIGINAL APPLICATION No. 322 of 2022 (S.B.)

1. Ganpat Gulabrao Pradhan
Age: 67 yrs. Occ. Pensioner
R/o. Gurukrupa Society Ward No 1
Varud , Sewagram Road , Dist. Warda 4442001
2. Manohar Tulsiramji Patil
Age: 64 Occ. Pensioner
R/o. Annapurna , Rathinagar , Amravati - 444603
3. Vithal Narayanrao Sange
Age: 63 Occ. Pensioner
R/o. 27, Shrimanagal Colony
Near Hanuman Mandir,V.M.V.Road
Amravati - 444604
4. Pradip Shankarrao Datir
Age: 65 Occ. Pensioner
R/o. 20 Sadashivnagar , Near Arjunnagar
Water tank Morshi Road
Amravati – 444603
5. Rajan Vasantryao Khandare
Age: 67 Occ: Pensioner
R/o. Sarvodaya Coloney ,
Congress nagar Road, Amravati - 444606

6. Shivdas Sadashivrao Wankhede
Age: 62 Occ. Pensioner
R/o. Purna maya , 16 Om colony
Near Vidyutnagar, V.M.V. Road
Amravati – 444603
7. Anil Ruprao Tayade
Age: 67, Occ. Pensioner
R/o. Near Doke Printers , Gandhinagar
Amravati – 444603
8. Suresh Panjabrao Giri
Age: 63, Occ. Pensioner
R/o. Smridhi Sankul, Mahada Complex
B1/402 Amravati road – Civil Lines
Nagpur - 22
9. Shree Kumar Vishwambharan
Age: 63 Occ. Pensioner
R/o. “varsha”Plot No.55
New Ganesh Colony HVPM (PO)
Amravati – 444605
10. Rajendra Dodhusa Jain
Age: 60 Occ: Pensioner
R/o. 201, Mayureshwar Appt ,
Durga Vihar , Dasara Maidan Rd
Amravati - 444605
11. Murlidhar Dattaraya Gawande
Age: 65 Occ. Pensioner
R/o. Christ Colony , Near Amravati
Panchayat Samiti Camp, Amravati – 444602
12. Jayant Digambarrao Gohad
Age: 65, Occ. Pensioner
R/o. Flat No. 201/202, Ashridwad Apptt.
Sitarambaba Colony, Amravati – 444607

13. Rajabhau Devidasji Shelotkar
Age: 67, Occ. Pensioner
R/o. Kiran nagar No1, Prasad Colony
Behind Sai Mandir ,Narshima Colege Rd
Amravati – 444606
14. Ganesh Narayanrao Bhasme
Age: 66 Occ: Pensioner
R/o. Gitanjali Colony ,
Nr. Vidhya Bharati College Camp
Amravati - 444602
15. Arvind Dattatraya Gawande
Age: 61, Occ. Pensioner
R/o. Christ Colony , Near Amravati
Panchayat Samiti Camp
Amravati – 444602
16. Ashok Rambhuji Jiwarkar
Age: 65 Occ: Pensioner
R/o. Jagruti Colony ,
Kantanagar
Amravati - 444602
17. Vasant Langadsa Gulhane
Age: 65 Occ. Pensioner
R/o. 3/2, Ganesh Vihar , Griha Nirman
Society No.2
Amravati – 444607
18. Narendra Chindhuji Chakole
Age: 63 Occ. Pensioner
R/o. Tilak ward, Mahal Road
Near Madhukar Photo Studio
Bhandara - 441904

19. Prabhakar Motiram Bhojar
Age: 63 Occ. Pensioner
R/o. Snehnagar Takiya ward
Bhandara - 441904

20. Vivek Narayanrao Tirpude
Age: 63 Occ. Pensioner
R/o. Sant Dnyaneshwar Ward
Vidhya nagar
Bhandara - 441904

21. Avinash Gajanan Palandurkar
Age: 64 Occ. Pensioner
R/o. Madhav Nagar Plot No. 78
Rani Laxmibai Ward khat road
Bhandara - 441904

22. Nandkishore Gajanan Palandurkar
Age: 63 Occ. Pensioner
R/o. Takiya Watd, Snehnagar,
Teacher Colony, Near Ankur Nursing home
Bhandara - 441904

23. Suresh Nathuji Waindeshkar
Age: 63 Occ. Pensioner
R/o. 5, Sahakarnagar
Bhandara - 441904

24. Danendra Sewakram Rhangdale
Age: 63 Occ. Pensioner
R/o. Statebank colony ,Mendha rd
Gurunanak Ward
Bhandara - 441904

25. Virendar Bapuraoji Selukar
Age: 62 Occ. Pensioner
R/o. 157, Loksewanagar
Near Mokhare College
Nagpur - 22

26. Paramanand Anandrao Puppalwar
Age: 64 Occ. Pensioner
R/o. Sai Colony Gowardhan Nagar
Tumsar, Tal. Tumsar
Dist. Bhandara - 441904
27. Rajeshwar Phulchand Khandelwar
Age: 60 Occ: Pensioner
R/o. Durga Nagar , Tumsar
Tq. Tumsar ,
Dist. Bhandara - 441912
28. Nandkishore Balram Jambhulpane
Age: 67 Occ. Pensioner
R/o. Vinobha Bhave Nagar,
Behind Bangalkar School
Tumsar , Tal. Tumsar
Dist. Bhandara - 441904
29. Shantikumar Biharilala Sahu
Age: 62 Occ. Pensioner
R/o. Vinoba Bhave Nagar, Bhandara Rd
Tumsar , Tal. Tumsar
Dist. Bhandara - 441904
30. Dnyanesh Marotrao Pahune
Age: 65 Occ. Pensioner
R/o. "Naad"176, Lendra, Ramdaspath, Nagpur – 440010
31. Niyant Trimbak Pathak
Age: 65 Occ. Pensioner
R/o. 201, Kapil Apt. Swavarambinagar
Nagpur – 440022
32. Ramesh Pandurang Nandurkar
Age: 66 Occ. Pensioner
R/o. 49, Shilpa Society -2
Manishnagar, Nagpur – 39

33. Abdul Gaffar Sheikh
Age: 68 Occ. Pensioner
R/o. 25, Near Panchmukhi
Hanuman Mandir , Maheshnagar
Gorewada Road
Nagpur – 13
34. Laxman Konduji Jungari
Age: 64 Occ. Pensioner
R/o. 5, Paryawaram Nagar
Somalwada
Nagpur – 25
35. Sapankumar Kalidas Ganguly
Age: 68 Occ. Pensioner
R/o. Savitri Apt. Flat No C/206
Laxminagar Buty layout
Nagpur – 440022
36. Vithal Ramchandrarao Bakre
Age: 63 Occ. Pensioner
R/o. 41/B, Tapowan Complex
Jaiprakashnagar, Somalwada
Nagpur – 25
37. Ramesh Bhauraoji Wanode
Age: 65 Occ. Pensioner
R/o. Plot No. 24, Gauravnagar
Post. Parvatinagar
Nagpur – 440027
38. Brijlal Mayaram Mahure
Age: 64 Occ. Pensioner
R/o. Opp. Bharat Driving School ,
Tirora Road Kudwa
Gondia

39. Mohd. Khurshid Qureshi
Age: 66 Occ. Pensioner
R/o. Dr. Lohiya Ward , Infront of
Majar near Swarnkar colony
Ring road Gondia - 441614
40. Shalikramsingh Jasawantsinh Madrele
Age: 62 Occ. Pensioner
R/o. Dr. Lohiya Ward , Infront of
Majar near Swarnkar colony
Ring road Gondia - 441614
41. Pradip Digambar Badwaik
Age: 62 Occ. Pensioner
R/o. Op. Satguru Ice Factory
State Bank Colony Rd, Gondia
Dist. Gondia – 441601
42. Chaitramsingh Hemrajsingh Nagpure
Age: 69 Occ. Pensioner
R/o. Mamachowk , Vivekanand Colony
Manguruji Fendarkar ward , Gondia
Dist. Gondia - 441601
43. Rajendra Vidyasagar Kapoor
Age: 62, Occ. Pensioner
R/o. Near Doctor Gujar Clinic
Civil Lines - Gondia
Tal. Gondia , Dist. Gondia - 441601
44. Basantkumar G. Sohaney
Age: 66 Occ. Pensioner
R/o. Vivekanand Colony, Mama Chowk
Tal. Gondia , Dist. Gondia - 441601
45. Mohan Nagorao Kotwal
Age: 63 Occ. Pensioner
R/o. Civil Lines Mama chowk
Gondia - 441601

46. Vinaykumar Madhusudanlal Shrivastava
Age: 63 Occ. Pensioner
R/o. Near Laxmi Rice Mills, Shashtri ward
Gondia - 441601
47. Prasannakumar V. Jha
Age: 63, Occ. Pensioner
R/o. Panchayat Samiti Colony
Shashtri ward No. 10
Gondia - 441601
48. Abdul Sadique Khan
Age: 66, Occ. Pensioner
R/o. Near Hanuman Chowk (Rani Institute)
Civil Lines, Gondia - 441601
49. Rajendra Kumar Verma
Age: 71, Occ. Pensioner
R/o. Shastri ward Near Yashoda Sabhagroh
Gondia - 441601
50. Ashok Mewaram Chourawar
Age: 63, Occ. Pensioner
R/o. Shashtrinagar Naer Telharu Gramodhyog
Gondia - 441601
51. Daljit Singh G. Khalsa
Age: 63, Occ. Pensioner
R/o. 101 Sai Shradha Aptt.,
Opp. Dossa hut Ring Road
Gondia - 441601
52. Rajendra Motibaba Dhoble
Age: 69, Occ. Pensioner
R/o. Ward No.2, Giri peth,Pipri(Meghe)
Wardha - 442001

53. Anil Bhaurao Murdio
Age: 67 Occ. Pensioner
R/o. Ward No 2 , Giripeth (pipri Meghe)
Karala Chowk
Wardha - 442001
54. Udhav Daulatrao Pal
Age: 68 Occ. Pensioner
R/o. Shree nagar Layout ward No.5
Wardha Bachelor Road
Wardha - 442001
55. Liladhar Pandurangji Pohane
Age: 72, Occ. Pensioner
R/o. Ward No. 2, Khadge layout
Infront of Sandip Saw Mill
Arvinaka Tal. & Dist. Wardha
Wardha – 442001.
56. Vijay Hariharrao Pimple
Age: 72, Occ. Pensioner
R/o. PratapNagar , Ward No 1
Wardha – 442001.
57. Ashok Laxmanrao Nimje
Age: 62, Occ. Pensioner
R/o. Snehal nagar , Sewagram Road
Mazala Fata, Wardha – 442001.
58. Suresh Sitaramji Jumde
Age: 65, Occ. Pensioner
R/o. Jagdal layout ,Near Manaswandi
Ward No.9
Wardha – 442001.
59. Vijay Bapurao Bobhate
Age: 63, Occ. Pensioner
R/o. “Kshitij” in front of Hanuman Mandir
Sainagar , Wardha – 442001.

60. Krushna Bapuraoji Walke
Age: 64, Occ. Pensioner
R/o. Flat No. 108, Stuti Enclave
Pawan Road , Near Durga Mandir
Nalwadi , Wardha – 442001.
61. Kamlakar Ramaji Niwal
Age: 65 Occ: Pensioner
R/o. Plot No.10, Sahakarnagar
Khamla Road , Nagpur - 22
62. S.K. Gonibasapa
Age: 62 Occ: Pensioner
R/o. Daya Apartment , Bapat nagar
Chandrapur
63. Mahesh Chandra Dharmvir Sadhankar
Age: 68 Occ: Pensioner
R/o. C-12, Shastrinagar Mul Road ,
Chandrapur -442401
64. Latari Vitthalrao Ghagi
Age: 64 Occ: Pensioner
R/o. Ashray Colony , Near Gurudwara Tukum ,
Dist. Chandrapur - 441912
65. Prithvipal Shankarrao Khobragade
Age: 62 Occ: Pensioner
R/o. 21, Vishwakarma Nagar, Lane No.5 , Nagpur - 440027
66. Indrajit Balramsingh Rathod
Age: 62 Occ: Pensioner
R/o. 11, Dewashish Ramnagar, Khat road, Bhandara - 441904.

Applicants.

Versus

1. The State of Maharashtra
(Copy to be served on CPO
MAT at Nagpur)
Administrative Building, Civil Lines
Nagpur, 440001
2. Secretary,
General Administrative Department
Mumbai -Mantralaya - 32.
3. Secretary,
Finance Department
Govt. of Maharashtra
Mumbai Mantralaya - 32 .
4. Secretary,
Water Resource Department (CAD)
Govt. of Maharashtra
Mumbai Mantralaya – 32
5. Secretary,
Soil & Water Conservation Dept.
Govt. of Maharashtra
Mumbai Mantralaya – 32
6. Secretary,
Public Works Department
Govt. of Maharashtra
Mumbai Mantralaya – 32 **Respondents.**

**S/Shri D.R.I. Patil, Advocate for the applicants.
Shri A.M.Ghogle, learned P.O. for respondents.**

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

Dated :- 18/04/2023.

COMMON JUDGMENT

Heard D.R.I. Patil, learned counsel for the applicants, Shri A.M. Ghogre, learned P.O. for respondent nos.1 to 4 and 7 and Shri D.M. Kakani, learned counsel for respondent nos.5 and 7 (in O.A.No.321/2022).

2. Heard D.R.I. Patil, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for respondents (in O.A.No.322/2022).

3. Both the Original Applications are filed by the applicants for direction to the respondents to grant time bound promotion as per the G.R. after completion of 12 years from the date on which they are absorbed on the post of Sectional Engineer.

4. Heard Shri A.M. Ghogre, learned P.O. for respondent nos.1 to 4 and 7 and Shri D.M. Kakani, learned counsel for respondent nos.5 and 7 (in O.A.No.321/2022). Heard D.R.I. Patil, learned counsel for the applicants and Shri A.M. Ghogre, learned P.O. for respondents (in O.A.No.322/2022). The O.A. are opposed by the respective respondents.

5. Heard D.R.I. Patil, learned counsel for the applicants. He has pointed the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in Civil Writ Petition No.8009/2021 and other connected Writ Petitions, decided on 02/08/2022 and Judgment in Writ Petition No.2330/2021 and other connected Writ Petitions, decided on 19/09/2022 and Judgment in Writ Petition No.1936/2023, decided on 20/02/2023. He has also pointed out the Judgment of

Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.884/2022, decided on 22/08/2022.

6. The learned Counsel for the applicants has pointed out Judgment of Hon'ble Bombay High Court, Bench at Aurangabad Writ Petition No.2330/2021 in the case of ***Upendra S/o Madhavrao Kulkarni Vs. State of Maharashtra and others*** and other connected Writ Petitions, decided on 19/09/2022. The Hon'ble Bombay High Court, Bench at Aurangabad has observed in para 10 as under –

“ (10) Consequently, Writ Petitions are allowed by directing respondents not to take into consideration the upgradation granted on the post of Sectional Engineer while considering the entitlement of the petitioners for grant of financial upgradation under the ACPS. In case the petitioners are found eligible for grant of such financial upgradation, the consequential benefits be extended to them within a period of four months from today. The Writ Petitions are allowed to the above extent.”

7. Relying on the earlier decisions the Hon'ble Bombay High Court, Bench at Aurangabad in WP 1936/2023 has observed in para nos.2,3&4 as under –

*2. Since the matters in which identical fact situation was brought before the Court, have been decided by the judgment dated 19/09/2022, delivered by a Co-ordinate Bench of this Court in Writ Petition No.2330/2021 (**Upendra Madhavrao Kulkarni Vs. State of Maharashtra and others**) and a group of petitions, we requested the learned Advocate Shri. A.G. Vasmatkar, appearing for the Company, to assist the Court, since he had appeared in all these matters, which were decided vide the said judgment.*

3. After granting a pass over, the learned Advocate Shri Vasmatkar, submits on instructions that, this Writ Petition can be disposed off in the light of the judgment dated 19/09/2022, and the Company would resort to the exercise of verification, as is directed by this Court in paragraph No. 10. of the said judgment.

4. In view of the above, **the Writ Petition is disposed off**, for the reasons set out in the judgment dated 19/09/2022. The cases of each of these petitioners would be verified and those petitioners, who are found to be eligible for grant of such financial up-gradation, the consequential benefits would be extended to them within a period of four months from today. To make it clear, the exercise of verifying each case of these petitioners and the grant of consequential benefits, if held eligible, would be completed, on or before 31/05/2023.

8. The learned Counsel for the applicants has pointed recent the Judgment of Hon'ble Supreme Court in Civil Appeal No.1985/2022 in the case of **the State of Maharashtra and Another Vs. Madhukar Antu Patil and Another**, decided on 21/03/2022. Hon. SC in the case of State of Mah. Vs. Patil in CA 1985/22 decided on 21/03/2022. The Hon'ble Apex Court in para-6 has held as under –

“6. In view of the above and for the reasons stated above, the present appeal succeeds in part. The impugned judgment and order passed by the High Court as well as that of the Tribunal quashing and setting aside orders dated 6.10.2015 and 21.11.2015 down-grading the pay scale and pension of the contesting respondent are hereby quashed and set aside. It is observed and held that the contesting respondent shall be entitled to the first TBP on completion of twelve years from the year 1989, i.e., from the date on which he was absorbed on the post of Civil Engineering Assistant and his pay scale and pension are to be revised accordingly.

However, it is observed and directed that on re-fixation of his pay scale and pension, as observed hereinabove, there shall not be any recovery of the amount already paid to the contesting respondent, while granting the first TBP considering his initial appointment from the year 1982.”

9. From the Judgment of Hon’ble Supreme Court cited above, it is clear that the applicants are entitled to get 1st time bound promotion after completion of 12 years from the date on which they are absorbed on the post of Sectional Engineer. Hence, the following order –

ORDER

In O.A. 321/2022 –

- (i) The O.A. is allowed.
- (ii) The respondents are directed to pay time bound promotion to the applicants as per the G.Rs. dated 08/06/1995 and 20/07/2001 after completion of 12 years of service from the date of absorption on the post of Sectional Engineer. If the benefits are already given to the applicants, then that should be continued.
- (iii) No order as to costs.

In O.A.322/2022 -

- (i) The O.A. is allowed.
- (ii) The respondents are directed to pay the benefit of the G.Rs. dated 08/06/1995 and 20/07/2001 for grant of time bound promotion to the applicants after completion of 12 years from the date of absorption on the post of Sectional

Engineer. If the benefits are not given to the applicants, the said benefits be given within a period of four months from the date of receipt of copy of this order.

(iii) No order as to costs.

Dated :- 18/04/2023.

(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 : 18/04/2023

*