

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 524 of 2016 (S.B.)**

Shriram S/o. Jairam Fuluke,
Aged about 61 years, R/O. MIG- 50/12,
Vidarbha Housing Society,
Bajuriya Nagar, Yavatmal.

Applicant.

Versus

1) The State of Maharashtra,
Through its Department of School Education and Sports,
Mantralaya, Mumbai -32.

2) Deputy Director of Education, Amravati Division, Amravati

Respondents.

**Shri N.R. Saboo, Advocates for the applicant.
Shri A.M.Ghogre, learned P.O. for respondents.**

WITH**ORIGINAL APPLICATION No. 525 of 2016 (S.B.)**

Parashram S/o Sitaram Shinde,
Aged about 58 years,
R/o Dadgebaba Mandir, Ujwal Nagar, Ward No.20,
Wadgaon, Distt. Yavatmal.

Applicant.

Versus

1) The State of Maharashtra,
Through its Department of School Education and Sports,
Mantralaya, Mumbai -32.

2) Deputy Director of Education, Amravati Division, Amravati.

Respondents.

**Shri N.R. Saboo, Advocates for the applicant.
Shri A.M.Ghogre, learned P.O. for respondents.**

WITH

ORIGINAL APPLICATION No. 623 of 2016 (S.B.)

- 1) Dnyanba Nivruti Morey,
Aged about 59 years, R/o. C/o Ram Fabrication,
Neat Teacher's Colony, Dongaon Road,
Mehkar, Distt Buldhana.
- 2) Digamber Rambhau Sapkal,
Aged about 60 years, R/o. Jagdamba Nagar,
Shegaon, Distt Buldhana.

Applicants.**Versus**

- 1) The State of Maharashtra,
Through its Secretary,
Department of School Education and Sports,
Mantralaya, Mumbai -32.
- 2) Deputy Director of Education,
Amravati Division, Amravati.

Respondents.

Shri N.R. Saboo, Advocates for the applicant.**Shri A.M.Ghogre, learned P.O. for respondents.**

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.****Dated :- 08/09/2023.**

COMMON JUDGMENT

Heard Shri N.R. Saboo, learned counsel for the applicants
and Shri A.M. Ghogre, learned P.O. for the respondents.

2. The cases of all the applicants in short are as under –

All the applicants were appointed as per the Chart given
below –

Sr. No.	O.A. No.	Name of employee	Entry in service as Supervisor	Absorption in the cadre of	Claim of TBPS after 12 years	Claim for ACPS after 24 years
1.	524/16	Shriram Fuluke	02.04.83	07.12.94 (Teacher)	02.04.1995	02.04.2007
2.	525/16	Parasram Shinde	18.05.85	01.07.95 (P.O.)	18.05.1997	18.05.2009
3.	623/16	Dnyanba Morey	29.04.85	30.06.01 (P.O.)	29.04.97	20.04.09
		Digamber Sapkal	29.04.85	30.06.01 (P.O.)	29.04.97	20.04.09

3. They were appointed on the post of Supervisor. Subsequently, as per the G.R. dated 18/09/1989 all the applicants were absorbed on the post of Assistant Project Officer / Assistant Teacher. Their earlier services on the post of Supervisor were taken into consideration for all the benefits, but they were not granted 1st time bound promotion after completion of 12 years service from the date of their initial date on the post of Supervisor. Therefore, the applicants approached to this Tribunal for the following reliefs –

“(i) It is therefore, prayed that this Hon'ble Tribunal, may kindly be pleased to issue direction to the respondents to revise the pay scale of the applicant w.e.f. 1995 / 1997 on completion of 12 years service by way of time bound promotion pay scheme as per G.R. dated 08.06.95 with further direction to release second pay revision w.e.f. 2007 / 2009 based on scheme of time assured progress scheme as prescribed in G.R. dated 20.07.01.

(ii) By appropriate order be pleased to direct the respondents to release the arrears in compliance with the revision of pay scale as prayed in Prayer Clause-(i) with further direction to revise the pension case of the applicant and release all the consequential relief.”

4. All the O.As. are strongly opposed by the respondents. It is submitted that the services of applicants on the post of Supervisor cannot be counted for the purpose of granting time bound promotion. Their regular services on the post of Assistant Project Officer / Assistant Teacher are counted for the purpose of granting 1st time bound promotion. It is submitted by the side of respondents that as per the G.R. dated 08/06/1995, the applicants cannot claim their regular services from the date of initial appointment. Those posts were temporary. All the applicants are absorbed on the post of Assistant Project Officer / Assistant Teacher as per the G.R. dated 18/09/1989, therefore, their regular services are counted from the date of absorption on the post of Assistant Project Officer / Assistant Teacher.

5. During the course of submission, the learned counsel for the applicants has pointed out the Judgment of the M.A.T., Bench at Mumbai in O.A.No.732/2011 with connected O.As., decided on 08/06/2016. In the said Judgment, the Judgment of Hon'ble Bombay High Court in Writ Petition No.9051/2023 in the case of ***the State of Maharashtra Vs. Smt. Meena A. Kuwalekar*** was considered and come to the conclusion that the services of temporary employees was considered by the Hon'ble High Court and also this Tribunal for the purpose of granting 1st time bound promotion after completion of 12 years of service from the date of initial appointment.

6. There is no dispute about the Judgment. In the cited Judgment in the case of the **State of Maharashtra Vs. Smt. Meena A. Kuwalekar**, the Judgment of this Tribunal was challenged before the Hon'ble High Court. This Tribunal in fact in the case of **Smt. Meena A. Kuwalekar's** has held that the temporary employees are entitled for 1st time bound promotion after completion of 12 years of service from the date of their initial appointment. The Hon'ble Bombay High Court has held that though they are temporary, but they were posted on a vacant post, they were appointed after following the due procedure of law, they were granted all other benefits and therefore they are entitled to get 1st time bound promotion after 12 years service from the date of initial appointment.

7. In the present O.As., all the applicants were appointed on the post of Supervisor. As per the G.R. dated 18/09/1989, they were absorbed on the post of Assistant Project Officer / Assistant Teacher. Their earlier services were not temporary, but it was found by the Government that those services were in excess and therefore they were absorbed on the post of Assistant Project Officer / Assistant Teacher. Earlier work of the applicants and after the absorption, the work of the applicants are same. There is no change of duty in the work of the applicants, their earlier services were not temporary. As per the Judgment of the Hon'ble Bombay High Court in the case the

State of Maharashtra Vs. Smt. Meena A. Kuwalekar, it is held that the temporary employees are entitled to get 1st time bound promotion after completion of 12 years service from the date of initial appointment.

8. The respondents have not taken into consideration the earlier services of the applicants on the post of Supervisor. Their services are counted from the date of absorption as per the G.R. 18/09/1989. In view of the Judgment of the Hon'ble Bombay High Court in the case the ***State of Maharashtra Vs. Smt. Meena A. Kuwalekar***, the applicants are entitled to count their services from the date of their initial appointment on the post of Supervisor to get time bound promotion. Hence, the following order –

ORDER

- (i) The O.As. are allowed.
- (ii) The respondents are directed to consider the claim of applicants for the purpose of 1st time bound promotion after completion of 12 years service from the date of their initial appointment on the post of Supervisor, if they fulfil the conditions of the G.R. dated 18/09/1989 according to their eligibility, etc.
- 3) The respondents are directed to consider the claim of the applicants for 2nd time bound promotion by counting their 24 years

service from the date of initial date of appointment on the post of Supervisor as per the subsequent G.R. of 2001.

Dated :- 08/09/2023.

(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 : 08/09/2023.