

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.691 OF 2019

DISTRICT : PUNE

Shri Satish Chintaman Kamble,)
Age 62 years, Retired, R/at Ahilya Housing Society,)
Golf Club Road, Room No.1, Pune 411 036)..Applicant

Versus

1. The State of Maharashtra,)
Through the Secretary,)
Industry & Energy Department,)
Mantralaya, Mumbai 400032)
2. The Secretary, Finance Department,)
Mantralaya, Mumbai 400032)
3. The Director, Printing & Stationary Department,)
Charni Road, Netaji Subhash Marg, Mumbai-4)
4. The Manager,)
Govt. Photozinco Press, 5 Photozinco Path,)
Pune 411001)..Respondents

Shri G.D. Kurne holding for Shri V.V. Joshi – Advocate for the Applicant
Smt. Archana B.K. – Presenting Officer for the Respondents

CORAM : Smt. Medha Gadgil, Member (A)
RESERVED ON : 22nd November, 2023
PRONOUNCED ON: 30th November, 2023

J U D G M E N T

1. The applicant who was working as Maintenance Supervisor challenges the impugned order dated 31.12.2018 rejecting his representation for Time Bound Promotion.

2. The applicant joined the service as direct recruit to the post of Sutar on 13.2.1978. He was working from time to time between 1978 and 1981 with 6 days break in service which was subsequently condoned by order dated 14.4.1981. Subsequently, the applicant was promoted to the post of Yantrik w.e.f. 2.6.1986. Thereafter applicant was selected and appointed on 8.12.1984 on the post of Maintenance Supervisor as per order dated 29.10.1994 and 10.12.1994. The applicant completed 12 years of regular service on the post of Maintenance Supervisor on 7.12.2006 and became eligible for grant of the benefit of Assured Career Progression Scheme (ACP Scheme) from 1.1.2007. The applicant retired on superannuation on 30.4.2012.

3. Ld. Advocate for the applicant states that service record of the applicant was excellent and that he was eligible and entitled to be promoted/given Time Bound Promotion on completion of 12 years of service on the post of Maintenance Supervisor even by giving relaxation to the recruitment rules only in respect of qualification and therefore the impugned order dated 31.12.2018 deserves to be set aside. The applicant had filed Complaint before the Hon'ble Lok Ayukta who informed him that they do not have jurisdiction and disposed off the complaint by their letter dated 9.8.2016. Ld. Advocate for the applicant relies on the judgment of

the Hon'ble Supreme Court in Union of India & Anr. Vs. G. Rajanna & Ors. Civil Appeal No.6590-6592 of 2008 decided on 15.10.2008 and in Dev Dutt Vs. Union of India & Ors. Civil Appeal No.7631 of 2002 decided on 12.5.2008.

4. Per contra Ld. PO opposes the submissions made by the Ld. Advocate for the applicant and relies on the affidavit in reply dated 10.12.2019 filed by Manoj Manohar Vaidya, Incharge Manager in the office of Government Photozinco Press, Pune. Ld. PO pointed out that applicant's representation regarding Time Bound Promotion could not be considered as after the post of Maintenance Supervisor there is another post of Junior Assistant Manager and he did not have the technical qualification for the same and hence this cannot be held to be an isolated post. Ld. PO further pointed out that the draft Recruitment Rules provides relaxation of qualification for further promotion on the CRs if he had average A+ grading. However, the average applicant's 5 years ACR is not A+ and therefore he is not eligible.

5. I have considered the submissions of both the sides. The facts in this case are crystal clear. The applicant had joined the service on the post of Carpenter in 1978. Thereafter as per office order dated 2.6.1986 the applicant was given promotion to the post of Mechanic from 2.6.1986. He got selected to the post of Maintenance Supervisor on 29.10.1994. It is a fact that applicant completed 12 years on the post of Maintenance Supervisor on 7.12.2006 and applied for getting the benefit of Time Bound Promotion. While it is important to look into the rules of ACP Scheme vide GR dated 20.7.2021 in Rule 2(5) and as per draft Recruitment Rule 3(B)(b) the applicant did not fulfill the necessary technical qualification for the post of Junior Assistant Manager. As per the Junior Assistant Manager and Printing Supervisor in the Directorate of Government Printing and

Stationary (Recruitment) Rules, 1990 the qualification required for the said post are reproduced below:

“3. Appointment to the post of Junior Assistant Manager and Printing Supervisor in the Directorate shall be made either-

(B) by nomination from amongst candidates who-

(b) possess-

(i) a diploma in Printing Technology in offset printing or letter press printing;

(ii) a certificate in Typography (Printing) granted by recognized institution; or

(iii) a certificate of National Apprenticeship in printing; or

(iv) a certificate of completion of 4 years Department Apprenticeship; or

(v) any other qualification declared by Government to be equivalent to any of the above qualification.”

6. The applicant is SSC passed and admittedly does not possess the abovementioned qualification and therefore not eligible for Time Bound Promotion for the post of Junior Assistant Manager. The judgments cited by the Ld. Advocate for the applicant are not applicable in the facts of the present case.

7. I have no merit in this OA as the applicant did not have necessary qualification for promotion to the post of Junior Assistant Manager and hence the OA is liable to be dismissed.

8. The Original Application is dismissed. No order as to costs.

Sd/-
(Medha Gadgil)
Member (A)
30.11.2023

Dictation taken by: S.G. Jawalkar.