

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.176 OF 2021

DISTRICT : Ratnagiri

Sub.:- ACP Scheme

Shri Siddharth Changu Jadhav,)
Age : 60 Yrs, Occu.: Retired,)
R/at At & Post : Karbude,)
Taluka & District Ratnagiri.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through its Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai – 400 032)
2. The District Collector, Ratnagiri)...**Respondents**

Shri S.S. Deokar, Advocate for Applicant.

Smt. K.S. Gaikwad, Presenting Officer for Respondents.

CORAM : Shri Atulchandra M. Kulkarni, Member (A)

RESERVED ON : 12th February, 2025

PRONOUNCED ON: 20th February, 2025

J U D G M E N T

1. The Applicant Siddharth C. Jadhav who was appointed as 'Clerk-cum-Typist' in the office of Collector, Ratnagiri on 02.06.1989 completed 12 years of service in 2001 and received the benefit of Assured Career

Progression Scheme (ACPS) as per the then existing Rules. He was thus granted the pay scale of 'Awal Karkoon' vide GR dated 20.07.2001. Vide GR dated 01.04.2010, the said Scheme came to be modified to include benefit of ACPS for 2nd time i.e. after completion of 12 years of service after the receipt of 1st benefit. It is not disputed that applicant belongs to Scheduled Caste category which warrants special consideration for promotion.

2. The Applicant completed 12 years in the pay scale of 'Awal Karkoon' in the year 2013 thereby becoming eligible for 2nd benefit. Vide impugned communication dated 13.10.2017, the Applicant was informed that he was not eligible for 2nd ACPS benefit as his Confidential Reports were adverse. On receipt of this communication, the Applicant made representations relying on F.D. GR dated 20.2.2001 and 1.4.2010.

3. By communication dated 20.04.2018, the Resident Deputy Collector of Ratnagiri informed the reasons of the Government decision to the Applicant. It is mentioned therein that the decision was based on Confidential Reports of the Applicant for 5 years starting with the reporting year 2008-09 till 2012-2013. It was informed that the grading was 'क' in 2012-2013 due to which overall grading of 5 years became 'ब'. Hence, the Applicant was not considered for the benefit of 2nd ACPS.

4. In response, the Applicant sent an undated representation to the Collector, Ratnagiri (received at the Collector Office on 12.10.2018) wherein he converted the gradings of Confidential Reports to marks. According to his calculations, the Confidential Reports worked out to overall grading of 1.8 i.e. 2 i.e. 'ब' 'चांगला' as follows:

अ.क्र.	वर्षे	गोपनीय अहवालाची प्रतवारी	सरासरीसाठी प्रतवारीस देण्यात आलेले मार्क
01	सन 2008-09	"ब" चांगला	2
02	सन 2009-10	"ब" चांगला	2
03	सन 2010-11	"ब" चांगला	2
04	सन 2011-12	"ब+" निश्चित चांगला	3
05	सन 2012-13	"क" सर्वसाधारणपेक्षा कमी	0
	गोपनीय अहवालाच्या सरासरी प्रतवारीसाठी प्राप्त एकूण मार्कस		9

गोपनीय अहवालाची सरासरी वार्षिक प्रतवारी = $9/5 = '1.8' = \text{rounded off to '2'}$

5. The Applicant further represented that he is eligible for the benefit of 2nd ACPS and that he should get all the consequential benefits.

6. In the meanwhile, the Government came out with Finance Department GR of 02.03.2019 factoring in the 7th Pay Commission provisions in the ACPS. Vide this GR, the period of 1st and 2nd ACPS benefit was modified from 12 and 24 years of service to 10 and 20 years of service. This GR also provided for 3rd ACPS after 30 years of service or after 10 years from the last promotion/benefit of 2nd ACPS. The Applicant again made representation for 3rd ACPS based on this GR to which Collector Office, Ratnagiri replied vide letter dated 13.01.2020 informing that the Applicant cannot be granted 3rd ACPS benefit because 2nd ACPS benefit was not given to him because of his adverse ACRs.

7. The Applicant, therefore, seeks directions to quash and set aside the decisions of the Collector, Ratnagiri dated 10.08.2017 (proceedings of the meeting of District Level Promotion Committee), a Reply of Resident Deputy Collector, Ratnagiri dated 20.04.2018, 05.12.2018 and 13.01.2020. He also prays for appropriate order and direction to the Respondents to grant 2nd and 3rd benefit under the ACPS as per GRs dated 20.07.2001 and 02.03.2019 to the Applicant with all consequential benefits.

8. Heard Shri S.S. Deokar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

9. The learned PO submitted a copy of GAD GR dated 02.02.2017. The Heading of which is :-

“गट-अ” संवर्गातील शासकीय अधिका-यांचे कार्य मूल्यमापन अहवाल लिहिण्यासाठी नमुना निश्चित करणे...”

Since this GR is applicable to officers in Group-A, the same is not applicable in the instant case, as the Applicant is Group-C employee.

10. On the other hand, as per the order of this Tribunal of 12.2.2025, the learned Advocate for the Applicant submitted, complete copy of 52 pages GR dated 01.08.2019, ‘परिशिष्ट-४’ of which reads thus :-

“पदोन्नतीसाठी कार्यमूल्यमापन अहवाल (गोपनीय अहवाल) याबाबतचे निकष

He relies on clauses 1, 2, 3 and 6 of this ‘परिशिष्ट-४’. These clauses are reproduced below:

१) कार्यमूल्यमापन अहवाल :- शासकीय अधिकारी/कर्मचा-यांचे गोपनीय अहवाल लिहिणे व जतन करणेबाबत संदर्भ क्र. २३ येथील दि.०१.११.२०११ च्या शासन निर्णयान्वये दिलेल्या सूचना व त्यामध्ये वेळोवेळी केलेल्या सुधारणा विचारात घेण्यात याव्यात. तसेच, पदोन्नतीच्या पात्रतेपर्यंत न पोहचणाऱ्यांच्या गोपनीय अहवालांवरील

कार्यवाहीबाबत संदर्भ क्र.२४ येथील दि.१३.०२.२०१४ अन्वये दिलेल्या सूचना व त्यामध्ये वेळोवेळी केलेल्या सुधारणा विचारात घेण्यात याव्यात.

२) पदोन्नतीसाठी विचारात घ्यावयाच्या कार्यमूल्यमापन अहवालाचे संख्यात्मक गुणांकन :- माहे एप्रिल २०१७ ते मार्च २०१८ या आर्थिक वर्षापासून सर्व राज्य शासकीय अधिकारी/कर्मचा-यांचे गोपनीय अहवालाचे सर्वसाधारण मूल्यमापन, प्रतवारी (Grading) पध्दतीऐवजी संख्यात्मक गुणांकनाच्या पध्दतीद्वारे मूल्यमापन केले जात आहे. तथापि, त्यापूर्वीचे गोपनीय अहवाल प्रतवारी स्वरूपातील असल्यामुळे ५ वर्षांच्या गोपनीय अहवालांचे मूल्यांकन करताना एकसूत्रीपणा यावा यासाठी संदर्भ क्र.३२ येथील दि.०२.०२.२०१७ च्या शासन निर्णयानुसार प्रतवारी खालीलप्रमाणे संख्यात्मक गुणांकनात रुपांतरित करण्यात यावी.

मूल्यमापन	प्रतवारी (Grading)	संख्यात्मक गुण
साधारण पेक्षा कमी	क	२
सर्वसाधारण	ब-	३
चांगला	ब	४
निश्चित चांगला	ब+	५
उत्कृष्ट	अ	६
अत्युत्कृष्ट	अ+	८

३) पदोन्नतीच्या विविध टप्प्यासाठी किमान आवश्यक पात्रता गुण :- संदर्भ क्र.५ येथील दि.२१ फेब्रुवारी १९९४ व संदर्भ क्र.७ येथील दि.२३ डिसेंबर २००२ चा शासन निर्णय अधिक्रमित करण्यात येत आहे. संदर्भ क्र.३२ येथील दिनांक २ फेब्रुवारी २०१७ नुसार विहित केलेली १ ते १० या मर्यादित संख्यात्मक गुण देण्याची पध्दत विचारात घेऊन, पदोन्नतीच्या विविध टप्प्यांसाठी गुणांकनानुसार ५ वर्षांच्या एकूण ५० गुणांपैकी किमान आवश्यक पात्रता गुण (Benchmark Score) पुढीलप्रमाणे विहित करण्यात येत आहे.

पदोन्नतीचे टप्पे	५ वर्षांचे एकूण ५० गुणांपैकी किमान आवश्यक पात्रता गुण (Benchmark Score)
शासन सेवेतील गट-क, गट-ब व गट-अ मधील पहिल्या टप्प्यापर्यंतच्या सर्व पदावरील पदोन्नती	२०
गट-अ मधील दुसरा टप्पा व त्यापुढील पदे परंतु आस्थापना मंडळाच्या कार्य कक्षेत नसलेली पदे	२५
गट-अ मधील अस्थापना मंडळाच्या कार्य कक्षेतील पद	३०

६) पदोन्नतीत मागासवर्गीय अधिकारी/कर्मचा-यांच्या बाबतीत विशेष सहानुभूती:- संदर्भ क्र.१४ येथील दि.७.१.१९६१ मधील शासन निर्णयानुसार मागासवर्गीय अधिकारी/कर्मचारी, पदोन्नतीसाठी आवश्यक किमान पात्रता गुण धारण करीत नसल्यास, त्यांच्या बाबतीत विशेष सहानुभूतीच्या धोरणाची अंमलबजावणी करतांना, त्यांना ५

वर्षाच्या एकूण ५० गुणांपैकी प्राप्त गुणांमध्ये, ५ वर्षांच्या एकूण ५० गुणांपैकी आवश्यक किमान पात्रता गुणांच्या १० टक्के गुणांची भर घालून त्यांची पात्रता आजमावण्यात यावी.

अ.क्र.	मागासवर्गीय अधिका-याचे नाव	५ वर्षांचे एकूण ५० गुणांपैकी आवश्यक किमान पात्रता गुण	५ वर्षांचे एकूण ५० गुणांपैकी प्राप्त गुण	मागासवर्गीय सहानुभूतीचे गुण (आवश्यक किमान पात्रता गुणांच्या १० टक्के)	निष्कर्ष
१	क	३०	२५	३(३० च्या १० टक्के)	२८ (अपात्र)
२	ख	३०	२७	३(३० च्या १० टक्के)	३० (पात्र)
३	ग	३०	३१	आवश्यकता नाही	पात्र

टिप : कार्यमूल्यमापन अहवालानुसार (गोपनीय अहवाल) मागासवर्गीय अधिकारी/कर्मचारी पदोन्नतीसाठी अपात्र ठरत असल्यास, त्यास सामान्य प्रशासन विभाग/कार्यासन १६ ब ने वेळोवेळी निर्गमित केलेल्या आदेशानुसार सामान्य प्रशासन विभाग/कार्यासन १६ ब व प्रकरणपरत्वे मा. मंत्री, सामाजिक न्याय व विशेष सहाय विभाग / मा. मंत्री, आदिवासी विभाग यांची मान्यता घेण्यात यावी.’’

The conversion of CR gradings into marks has been clearly laid down in Clause 2 of ‘परिशिष्ट-४’. It also provides for such conversion of the period prior to the reporting year 2017-2018.

11. The learned PO submitted that this GR especially ‘परिशिष्ट-४’ is applicable from reporting year 2017-2018 onwards. However, I tend to disagree with her because of the latter provision in Clause 2 of ‘परिशिष्ट-४’, as stated above.

12. The learned Advocate for the Applicant submitted that as per this GR of 1.8.2019, the conversion of Applicant’s CRs for 5 years from reporting year 2008-2009 to 2012-2013 works out as follows :-

अ.क्र.	वर्षे	गोपनीय अहवालाची प्रतवारी	सरासरीसाठी प्रतवारीस देण्यात आलेले मार्क
०१	सन २००८-०९	“ब” चांगला	४
०२	सन २००९-१०	“ब” चांगला	४
०३	सन २०१०-११	“ब” चांगला	४
०४	सन २०११-१२	“ब” निश्चित चांगला	५
०५	सन २०१२-१३	“क” सर्वसाधारण पेक्षा कमी	२
	गोपनीय अहवालाच्या सरासरी प्रतिवारीसाठी प्राप्त एकूण मार्कस		१९

Thus, the total of 5 years works out to 19. As per Clause 3 of ‘परिशिष्ट-४’ of this GR of 2019, the bench-mark score for total of 5 years conversion into marks for Group-C is 20. Further, he submitted that as per Clause 6 of ‘परिशिष्ट-४’, 10% of 20 i.e. 2 marks have to be added to the marks secured by the Applicant as ‘मागासवर्गीय सहानुभूतीचे गुण’ thereby taking his total to 21 for 5 years. The minimum bench-mark score is 20 and the Applicant has scored 21, making him eligible for the benefit of 2nd ACPS.

13. Taking into consideration the arguments advanced by both the sides and various documents on record, I pass the following order:

ORDER

- A) The Original Application is partly allowed.
- B) The impugned decision dated 10.8.2017, consequent communication dated 13.10.2017 of Resident Dy. Collector, Ratnagiri and his subsequent replies dated 20.4.2018, 5.12.2018 and 13.1.2020 are quashed and set aside.
- C) The Respondents are directed to examine the eligibility otherwise and grant the benefit of 2nd ACPS to the Applicant within a period of two months from the date of this order.

- D) The Respondents are directed to examine the applicant's eligibility for the benefit of 3rd ACPS within a period of three months from the date of this order and if he is found eligible he shall be granted the benefit of 3rd ACPS as per prevalent GRs.
- E) The Respondents are further directed to pass on all consequential benefits to the Applicant as may be due to him.
- F) No order to costs.

Sd/-
(A.M. Kulkarni)
Member (A)
20.2.2025

Dictation taken by: SKW/SGJ.