

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.598/2021 (S.B.)**

Pradip Bhaskarrao Vyas,)
 Aged about 60 years, Occ: Retired (PWSI),)
 R/o Plot No.14, Naik Layout,)
 Gopal Nagar, Nagpur,)
 Tah. & Dist. Nagpur.)

... **APPLICANT**

// V E R S U S //

1] The State of Maharashtra,)
 Through it's Secretary,)
 Home Department,)
 Mantralaya Mumbai-32.)

2] The Director General of Police,(M.S.))
 Hutatma Chowk, Near Regal Cinema,)
 Mumbai.)

3] The Additional Director of Police,)
 Wireless Office, Pashan Road, Pune-5.)

4] The Superintendent of Police (Rural))
 Nagpur, Tah. & Dist. Nagpur.)

... **RESPONDENTS**

Shri S.N. Gaikwad, Learned Counsel for the Applicant.

Shri M.I. Khan, Id. P.O. for the Respondents.

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

Dated :- 16/04/2025

O R A L J U D G M E N T

Heard Shri S.N. Gaikwad, learned counsel for the Applicant and Shri M.I. Khan, learned P.O. for the Respondents.

2. The case of the applicant in short is as under:-

Applicant was appointed on 28/10/1985 on the post of Assistant Sub-Inspector of Police (Wireless). Applicant came to be retired from service on 21/05/2019. Applicant was entitled to get First Time Bound Promotion after completion of 12 years of service i.e. in the Year 1997, but respondents have granted First Time Bound Promotion from the Year 2002 on the ground that applicant has not passed the Departmental Examination. Therefore, applicant has filed the present O.A. for the following reliefs:-

“K (i) allow the instant original application with costs;

(ii) be pleased to direct the respondent No.3 i.e. Additional Director General Of Police, Wireless,

Maharashtra State, Pune to grant and provide the entire benefits of Time Bound Promotion Scheme and Assured Progress Scheme as contemplated in Govt. Resolutions dated 08.06.1995, 20.07.2001 and 01.04.2010 forthwith to the applicant on completion of 12 years i.e. 01.11.1997;

(iii) be pleased to direct the respondent No.3 i.e. Additional Director General Of Police, Wireless, Maharashtra State, Pune to revise and fix the pay scale of applicant in accordance with the "Time Bound Promotion Scheme and Assured Progress Scheme as stipulated in the Govt. Resolutions dated 08.06.1995, 20.07.2001 and 01.04.2010 and be further pleased to direct them to release the difference in salary on the basis of said pay scale w.e.f. 01.11.1997 forthwith and revised the pension thereafter if any case the applicant is retired;"

3. O.A. is strongly opposed by the respondents. It is submitted that applicant has not passed the Departmental Examination, therefore, he was not entitled to get First Time Bound Promotion after completion of 12 years of service. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, learned counsel for the applicant has pointed out the Judgment of this Tribunal in

O.A. No.983/2022 in the case of ***Rajesh S. Dubey VS. The State of Maharashtra & Ors.***, decided on 05/12/2024. This Tribunal has held that passing of Departmental Examination is not compulsory for grant of Time Bound Promotion. The Hon'ble Supreme Court in the case of ***K.C. Sharma and Ors. VS. Union of India & Ors. (1997) 6 SCC 721*** has held that, for Time Bound Promotion, the period is to be counted from the date of initial appointment and even if the concerned employee did not clear the examinations within the time and attempts, etc. that might give rise to any other consequence with regard to his service conditions, but as far as Time Bound Promotion is concerned, that would be no circumstance against him. The relevant observation of this Tribunal in the O.A. No.983/2022 in the case of ***Rajesh S. Dubey (supra)*** in Paragraph Nos. 4 and 5 are hereby reproduced below:-

“ 4. During the course of submission learned Advocate for applicant Shri S. N. Gaikwad has pointed out the Judgment of this Tribunal in O.A. No.156/2018, decided on 22/11/2024. Para 6 of the Judgment is reproduced below :-

“6. The Judgment of the Hon'ble Supreme Court in the case of ***K.C. Sharma and Ors. VS. Union of India &***

Ors. (1997) 6 SCC 721 is very clear. The material portion of the Judgment is reproduced below:-

"13. It is, therefore, very clear that the principle is that for Time Bound Promotion, the period is to be counted from the date of initial appointment and even if the concerned employee did not clear the examinations within the time and attempts, etc. that might give rise to any other consequence with regard to his service conditions, but as far as Time Bound Promotion is concerned, that would be no circumstance against him."

5. *As per Judgment of the Hon'ble Supreme Court in the case of K.C. Sharma and Ors. VS. Union of India & Ors. (1997) 6 SCC 721, the 1st Time Bound Promotion is to be granted after completion of 12 years of service. The period is to be counted from the date of initial appointment and even if the concerned employee did not clear the examination within time and attempts. The failure to pass the examination may give other consequences with regard to his service conditions, but as far as Time Bound Promotion is concerned that would be no circumstance against him."*

5. In view of the Judgment of the Hon'ble Supreme Court in the case of *K.C. Sharma and Ors. VS. Union of India & Ors. (1997) 6 SCC 721*, the applicant was / is entitled to get First Time Bound Promotion after completion of 12 years of service, though

he has not passed any Departmental Examination. Hence, the following order:-

O R D E R

- (i) O.A. is allowed;
- (ii) Respondents are directed to pay the benefit of First Time Bound Promotion after completion of 12 years of service from the date of initial appointment of the applicant i.e. from 01/11/1997;
- (iii) Respondents are directed to comply the order within a period of four months from the date of receipt of this order;
- (iv) No order as to costs.

(Justice M.G. Giratkar)
Acting Chairman.

Dated :- 16/04/2025.
PRM

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

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Acting Chairman.

Judgment signed on : 16/04/2025