

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.116/2018 (S.B.)**

**Kiran s/o Marotrao Dhabekar,** )  
 Aged about 61 yrs, Occ: Retired Employee,) )  
 R/o 14, Gedam Layout, Trimurti Nagar, )  
 Nagpur - 22. )

... **APPLICANT**

**// V E R S U S //**

**1] State of Maharashtra,** )  
 Department of Irrigation Project, )  
 Mantralaya, Mumbai - 32, )  
 Through its Secretary. )

**2] Chief Engineer,** )  
 Dept of Irrigation (Water Resources), )  
 Sinchan Seva Bhawan, 1<sup>st</sup> Floor, )  
 Civil Lines, Nagpur-1. )

**3] Executive Engineer,** )  
 Irrigation Project Investigation Dept., )  
 Ballarpur Road, Babupeth, )  
 Chandrapur-43. )

... **RESPONDENTS**

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**Shri S.M. Khan & A.A. Khwaja, Learned Counsel for the**  
**Applicant.**

**Shri V.A. Kulkarni, 1d. P.O. for the Respondent No.1.**

**V.G. Palshikar & H.D. Marathe, for Respondent Nos.2 & 3.**  
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**Coram :- Hon'ble Shri Justice M.G. Giratkar,**  
**Acting Chairman.**

**Dated :- 21/04/2025.**  
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**O R A L J U D G M E N T**  
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Heard Shri S.M. Khan, learned counsel for the Applicant and Shri V.A. Kulkarni, learned P.O. for the Respondent No.1. None for Respondent Nos.2 and 3.

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

Applicant was appointed in Irrigation Department on the post of Sectional Engineer (Grade – II) as per order dated 05/11/1980. Applicant is Scheduled Tribe Candidate. He was promoted as Deputy Engineer w.e.f. 25/01/1991. Applicant was due for First Time Bound Promotion / Assured Career Progressive Scheme (A.C.P.S.) scheme after completion of 12 years of service. However, he was not given the benefit of same. Applicant came to be retired on 30/09/2014 after completion of the age of superannuation.

**3.** Assistant Chief Engineer, Nagpur has recommended the case of applicant to Respondent No.2 to grant First Time Bound

Promotion as the applicant has completed 12 years of service, but the respondent No.2 has not considered the same. Therefore, applicant approached to this Tribunal for the following reliefs:-

*“7.a)to pay him difference of Pay from the period 15/06/2007 to 30/09/2014.*

*b) to pay the difference/balance amount of Retiral benefits.*

*c) to pay balance Home Town Allowance of Rs. 25,000/-*

*d) Interest @ 18% per annum for delay in difference of payment, allowances and retiral benefits for the period it became due till the date of actual payment.”*

**4.** Respondent No.1 has filed reply and denied the material contention of the applicant. The main contesting respondents are respondent Nos.2 and 3. Respondent Nos.2 and 3 have filed their reply.

**5.** During the course of submission, learned P.O. has pointed out the reply filed by Respondent No.1. In para 3 of the reply, Respondent No.1 has stated that seniority of the applicant was fixed on 15/06/1995 vide G.R. dated 18/03/2013. Applicant

has completed 12 years of service on the post of Sectional Deputy Engineer (S.D.E.) on 15/06/2007. The benefit of Assured Career Progressive Scheme (A.C.P.S.) was due to him from the said date if he had fulfilled the requirements established in the G.R. dated 23/12/2002. However, the Confidential Report of the applicant in consecutive 5 years were not as per the requirement i.e. B+ at the relevant point of time. Applicant achieved the required grade on 01/04/2011 and accordingly applicant was granted benefit vide order dated 29/10/2016 passed by the Chief Engineer. Hence, the O.A. is liable to be dismissed.

**6.** During the course of submission, learned counsel for applicant has filed copy of the G.R. dated 05/07/2010. It is marked as Exh.-X for identification. As per the said G.R., the grade of C.R. was not required to be B+, but it is only B. The clause 3 of the G.R. dated 05/07/2010 is reproduced below:-

*“(३) कालबद्ध पदोन्नती / सेवांतर्गत आश्वासित प्रगती योजनेच्या लाभाच्या प्रयोजनार्थ विहित केलेल्या अटी व शर्ती / स्पष्टीकरणात्मक तरतूदी या योजनेखाली पहिला लाभ मंजूर करताना लागू राहतील. पहिल्या लाभासाठी गोपनीय अहवालांची सरासरी प्रतवारी "ब" (चांगली) असणे आवश्यक राहिल.”*

**7.** The respondents have not stated anything as to whether the applicant was not having the C.R. of Grade-B. It is only stated that applicant was not having Grade B+ C.R. As per the contention of applicant, he was having Grade B C.R. of 5 years. Hence, he is entitled to get the benefit of Assured Carrier Progressive Scheme (A.C.P.S.) from 15/06/2007. Respondent No.1 has admitted that applicant has completed 12 years of service on 14/06/2007. It is also admitted that he was eligible to get the benefits of Assured Carrier Progressive Scheme (A.C.P.S.) w.e.f. 15/06/2007. Only objection is raised that he was not having Grade B+ C.R., therefore, he is not entitled. As per the G.R. dated 05/07/2010, Grade B+ C.R. is not required. As per clause 3 of the G.R. dated 05/07/2010, Grade B C.R. is sufficient to grant First Time Bound Promotion. Hence, the following order:-

**O R D E R**

- (i) O.A. is allowed;
- (ii) Respondents are directed to grant First Time Bound Promotion w.e.f. 15/06/2007 with all consequential benefits;

- (iii) Respondents are directed to comply the order within a period of three months from the date of receipt of this order;
- (iv) No order as to costs.

**(Justice M.G. Giratkar)**  
**Acting Chairman.**

**Dated :- 21/04/2025.**  
**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 : 21/04/2025