

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 754 of 2019 (S.B.)**

Ms. Asha Harish Mate  
 (Ms. Asha M. Dhopte), Aged 62 years,  
 Occ.: Retired Employee,  
 R/o 280, Lokseva Nagar, Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
 General Administration Department,  
 Mantralaya, Mumbai - 32, Through its Secretary.
- 2) The Divisional Commissioner,  
 Nagpur Division, Nagpur-01.
- 3) The Collector,  
 Civil Lines, Nagpur-01.

**Respondents.**

---

**Shri S.M. Khan, Advocate for the applicant.**  
**Shri A.M. Khadatkhar, learned P.O. for respondents.**

---

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

**Dated :- 20/08/2024.**

---

**J U D G M E N T**

Heard Shri S.M. Khan, learned counsel for the applicant  
 and Shri A.M. Khadatkhar, learned P.O. for the respondents.

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

The applicant was appointed on the post of Junior Clerk  
 on 13/07/1982. The applicant was entitled to get 1<sup>st</sup> time bound  
 promotion on 01/10/1994. The applicant was entitled to get 2<sup>nd</sup> time

bound promotion in the year 2006, but she was given from 2008 on the ground that the C.Rs. were not proper. The applicant not passed the departmental examination.

3. The learned counsel for applicant has pointed out the Judgment in O.A. 868/2021 and submitted that passing of departmental examination is not the condition for benefit of time bound promotion.

4. The applicant was not communicated any adverse C.Rs. by the respondents. Some C.Rs. were not written by the respondents and therefore on that ground the respondents cannot refuse to grant 2<sup>nd</sup> time bound promotion. In O.A.868/2021, this Tribunal has held in para-7 that passing of dept. examination is not the condition for grant of time bound promotion. Para-7 of the Judgment is reproduced below—

*“(7) This M.A.T., Principal Bench at Mumbai relying on Judgment of the Hon’ble Supreme Court in the case of **K.C.Sharma and others Vs. Union of India and others, (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 concerned employee did not clear the examination within the time and attempts. The applicant was appointed on 13.01.1999. Applicant has completed 12 years of service on 13.01.2011, but the respondent has not granted first time bound promotion as per G.R. dated 08.06.1995.”*

5. Hence, the following order –

**ORDER**

(i) The O.A. is allowed.

(ii) The respondents are directed to grant 2<sup>nd</sup> time bound promotion w.e.f. 01/10/2006 instead of from 01/10/2008.

(iii) The respondents are directed to pay all financial benefits within three months from the date of receipt of this order.

(iv) No order as to costs.

**Dated** :- 20/08/2024.

**(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 : 20/08/2024.