

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 989 of 2023 (S.B.)**

Sukhadeo Nathmal Bhutada,
Age about years, Occu: Retired,
R/o Mauli, Santaji Nagar, Nagpur.

Applicant.

Versus

1. Secretary,
General Administrative Department, Mumbai,
Mantralaya-32.
2. Secretary,
Finance Department Govt. of Maharashtra,
Mumbai, Mantralaya-32.
3. Secretary,
Water Resource Department (CAD) Govt. Of Maharashtra,
Mumbai Mantralaya-32.
4. Superintending Engineer, **(Deleted)**
Buldana Irrigation Project Circle, Buldana.
5. Executive Engineer, **(Deleted)**
Washim Irrigation, Division Washim.
6. Accounts Officer, Pay Verification Unit,
Govt. Of Maharashtra Civil Lines, Nagpur-440001.
7. Superintendent Engineer, **(Deleted)**
Irrigation Circle, Washim.

Respondents.

Shri Sonali Saware, Gadhave, Advocate for the applicant.
Shri A.P. Potnis, learned P.O. for respondents.

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

Dated :- 07/10/2024.

J U D G M E N T

Heard Sonali Saware, the learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

2. The applicant was appointed as Overseer in the year 1966. Thereafter, his designation was changed as a Junior Engineer. Applicant was working as a Junior Engineer. Since 1981 his designation is changed as Sectional Engineer. He was continued on the said till his retirement. The respondents have not given time bound promotion as per G.Rs. dated 08/06/1995 and 20/07/2001. Therefore, prayed for direction to the respondents to grant time bound promotion to the applicant.

3. The O.A. is strongly opposed by the respondents on that the applicant was given the status of Sectional Engineer from 01/04/1981. As per the G.R. dated 16/04/1984, Junior Engineer who is possessing three years diploma course and after completion of five years service, they are entitled for the status of Sectional Engineer. It is submitted that time bound promotion scheme is introduced by the Maharashtra Government as per G.R. dated 08/06/1995. It is applicable to the category C and D only. The G.R. dated 01/11/1995 was clarified that the said G.R. is applicable from 1994. The applicant is already retired in the year 2000, therefore, he is not entitled to get any benefit.

4. During the course of submission the learned counsel for applicant has pointed out the decision of this Tribunal in O.A.Nos.321/2022 with connected matters and submitted that the similarly situated employees were granted the benefit of the G.Rs. dated 08/06/1995 and 20/07/2001 for time bound promotion after completion of 12 years service from the date of absorption on the post of Sectional Engineer.

5. The designation of the applicant was changed as a Sectional Engineer in the year 1981. The applicant retired in the year 2000. Till his retirement, he was working on the said post, but he was not granted benefit of time bound promotion as per the G.R. The learned counsel for applicant has submitted that in view of the Judgment of this Tribunal in O.As.321/2022 and 322/2022, decided on 18/04/2023, the applicant is entitled for the same relief.

6. The learned P.O. has strongly objected to grant relief. The material portion of the Judgment / operative part is reproduced below-

"In O.A. 321/2022 –

(i) *The O.A. is allowed.*

(ii) *The respondents are directed to pay time bound promotion to the applicants as per the G.Rs. dated 08/06/1995 and 20/07/2001 after completion of*

12 years of service from the date of absorption on the post of Sectional Engineer.

If the benefits are already given to the applicants, then that should be continued.

(iii) No order as to costs.

In O.A.322/2022 -

(i) The O.A. is allowed.

(ii) The respondents are directed to pay the benefit of the G.Rs. dated 08/06/1995 and 20/07/2001 for grant of time bound promotion to the applicants after completion of 12 years from the date of absorption on the post of Sectional Engineer. If the benefits are not given to the applicants, the said benefits be given within a period of four months from the date of receipt of copy of this order.

(iii) No order as to costs. ”

7. The applicants in O.A.Nos.321 and 322 of 2022 were working on the post of Sectional Engineer. They were granted the benefit of G.R. for time bound promotion. The applicant is on the same footing. The applicant was working on the post of Sectional Engineer from 1981. He is entitled for benefit of the G.R. for time bound promotion. This Tribunal has directed the respondents to grant benefit of G.R. dated 08/06/1995 and 20/07/2001 to the similarly situated employees like the applicant. Hence, the following order –

ORDER

(i) The O.A. is allowed.

- (ii) The respondents are directed to pay benefit of G.Rs. dated 08/06/1995 and 20/07/2001 for grant of time bound promotion to the applicant after completion of 12 years of service from the date of posting on the post of Sectional Engineer.
- (iii) The 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.

Dated :- 07/10/2024.

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(Justice M.G. Giratkar)
Vice Chairman.

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 : 07/10/2024.