

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO. 229 OF 2015

DISTRICT : LATUR.

Dr. Bhaskar s/o Sadashivrao Borgaonkar,
Age. 59 years, Occu. Pensioner,
R/o 'Sonai', Behind Shiddivinayak Mandir,
Raghvendra Colony, Old Ausa Road,
Latur, Dist. Latur.

--- APPLICANT.

VERSUS

1. The State of Maharashtra
Through its Secretary,
Finance Department,
Mantralaya, Mumbai.
2. The Secretary,
Animal Husbandry Department,
Mantralaya, Mumbai.
3. The Regional Jt. Commissioner
of Animal Husbandry, Region Latur,
Latur.

--RESPONDENTS.

APPEARANCE :- Shri P.R. Tandale, learned Advocate
for the Applicant.

: Shri N.U. Yadav, learned Presenting
Officer for the Respondents.

**CORAM : HON'BLE SHRI J.D. KULKARNI,
MEMBER (J)**

J U D G E M E N T
[Delivered on 14TH SEPTEMBER, 2016]

The applicant has joined service of Government of Maharashtra in the department of Animal Husbandry on the post of Live Stock Development Officer on 14.11.1983. He got retired on superannuation on 30.09.2014.

2. On 8.6.1995 the respondent No. 1 has issued a Government Resolution introducing a scheme of Time Bound Promotion to overcome the feeling of stagnation that creeps in the mind of Government servants who do not get promotion and benefits of higher pay scale in spite of working on the same post for years together. The said scheme was introduced with retrospective effect from 1.10.1994. The applicant got first time bound promotion as per the said scheme on 1.8.2001 after completion of 12 years continuous service. The applicant is claiming benefit of "revised in service Assured Progress Scheme" on completion of 24 years of service.

3. The Government of Maharashtra thereafter introduced "revised in service Assured Progress Scheme" vide Government Resolution dated 1.4.2010. The said scheme was given retrospective effect from 1.10.2006 and provided the benefit of time bound promotion scheme twice in the service. The employees, who are in the pay scale of Rs. 15600-39100 + G.P. Rs. 5400 were eligible for such revised in service assured progress scheme. The applicant was eligible for getting the second time bound promotional pay scale as per the said scheme. The respondents however, did not give benefit of that scheme to the applicant and on the contrary served the impugned order dated 9.2.2015 (Annexure 'A-1') and communicated to the applicant as under: -

“जा.क्र.प्रापसंसआला/प्रशा/अप्रयो पविअ/ ६६०/६५/२०१५ लातूर
दिनांक- ९.२.२०१५

उपरोक्त संदर्भीय पत्रासोबत आपल्या अधिनस्त खालील पशुधन विकास अधिकारी/ सहाय्यक आयुक्त पशुसंवर्धन पदावर कार्यरत अधिकारी यांचे २४ वर्ष सेवेनंतर सुधारीत सेवांतर्गत अश्वासित प्रगती योजने चा लाभ मिळणे बाबतचे प्रस्ताव या कार्यालयास प्राप्त झालेले आहेत.

१. डॉ. देशपांडे श्रीकांत विश्वनाथराव पविअ पवेद शिरूर अनंतपाल

२. डॉ. पाटील राजकुमार किसनराव पविअ पवैद भादा
३. डॉ. बोरगांवकर भास्कर सदाशिवराव पविअ ता. मुख्यालय
४. डॉ. धुत जयप्रकाश श्रीनिवासजी पविअ पवैद औराद
५. डॉ. माने सखाराम विक्रमराव पविअ पवैद भोकरंबा
६. डॉ. जगताप रमेश ज्ञानोबा फि. पवैद चापोली
७. डॉ. पाटील सतिश आनंदराव पविअ पवैद तांदुळजा

त्यानुषंगाने आपणांस कळविण्यात येते की, शासन निर्णय क्रमांक वेतन-११०९/प्र.क्र.४४/सेवा-३ मंत्रालय, मुंबई-३२ दिनांक १ एप्रिल - २०१० मधील अनु क्र. २(अ) नुसार सुधारीत सेवांतर्गत अश्वसित प्रगती योजना कमाल वेतन बॅंड पीबी-३ (रु.१५६००-३९१००) + ५४०० पर्यंत ग्रेड वेतन घेणा-या कर्मचा-यांना लागू राहिल अशी तरतूद असल्याने आपण सादर केलेल्या अधिका-यांना सादर लाभ अनुज्ञेय ठरत नाही. (शासन निर्णयाची प्रत संलग्न). या बाबतीत खात्याकडून प्राप्त झालेल्या पत्र क्र. राजप-१/(१६)(४९६)(भाग-२)/१११७/२०१३/पसं-२ पुणे-१ दिनांक १७/१०/२०१३ ची प्रत आपल्या माहितीसाठी सोबत देण्यात येत आहे. तसेच

सादर योजनेच्या दुस-या लाभासाठी आपण सादर केलेले मूळ प्रस्ताव यासोबत परत करण्यात येत असून सूचीत करण्यात येते की आपण आपल्या स्तरावरून सादरची बाब सर्व संबंधीतांच्या निदर्शनास आणून द्यावी. सोबत- (१) मूळ प्रस्ताव-७ (२) शासन निर्णय प्रत (३) खात्याच्या पत्राची प्रत”

4. Being aggrieved by the aforesaid communication the applicant has filed this original application and has prayed that the communication dated 9.2.2015 issued by

respondent No. 3 on the basis of order dated 17.10.2013 passed by the Commissioner, Animal Husbandry, M.S. Pune, may be quashed and set aside and the respondents be directed to give benefit of “revised in service Assured Progress Scheme” as per the Government Resolution dated 1.4.2010, 5.7.2010, 1.7.2011 and 6.9.2014 w.e.f. 1.8.2013 to the applicant.

5. The respondent No. 1 submitted that as per the provisions of Government Resolution dated 1.4.2010 the second benefit of Modified Assured Career Progression Scheme is admissible up to the pay scale of Rs. 15600-39100 + G.P. of Rs. 5400. The applicant has crossed such limit as he is drawing G.P. of Rs. 5700 and, therefore, he is not entitled to get the benefit of such scheme and, therefore, his claim has rightly been rejected.

6. Heard Shri P.R. Tandale – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents. I have also perused the affidavit, affidavit in reply filed by the respondent Nos. 1 to 3 and

various documents placed on record by the respective parties.

7. The only material point to be considered in this case is whether denial of revised in service Assured Progress Scheme to the applicant vide impugned letter dated 17.10.2013 is legal and proper?

8. The first Government Resolution vide which the Progress Assured Scheme was made applicable to the employees is dated 20th July, 2001 and the same is placed on record at Exhibit 'A-3' (p.b. page Nos. 18 to 22 both inclusive). This scheme was applicable earlier to the employees, who are drawing pay scale of Rs. 8000-13500 and this is regarding first time bound promotional scale. The second Assured Progress Scheme, which is known as 'revised Assured Progress Scheme' 'सुधारीत सेवांतर्गत आश्वासित प्रगती योजना' has been introduced vide Government Resolution dated 1st April, 2010 and this scheme was made applicable to the employees, who are drawing pay scale in the pay band 3 in the scale of Rs. 15600-39100 + G.P. of

Rs. 5400. Vide this scheme for the first time the employees are held eligible even for second time bound promotion on completion of 24 years of Service. Prima-facie the scheme vide G.R. dated 1.4.2010 is, therefore, made applicable to only those employees, who are drawing pay scale of Rs. 15600-39100 + G.P. of Rs. 5400.

9. According to the respondents, on the date of completion of 24 years of service the applicant's pay scale was in the pay of Rs. 15600-39100 and Grade Pay of Rs. 5400, but at that time the applicant was drawing Grade Pay of Rs. 5700 and, therefore, it has been intimated to the applicant that he was not entitled to second time bound promotional pay scale, since his Grade Pay exceeds Rs. 5400. If the Government Resolution dated 1.4.2010 is considered then prima facie, the say of the respondents seems to be correct, but it is half true. The respondents seems to have ignored the subsequent Government Resolutions issued by the Government of Maharashtra i.e. dated 5.7.2010 and 6.9.2014.

10. The Government Resolution dated 5.7.2010 is placed on record at Annexure 'A-6' at p.b. page No. 29 to 32 (both inclusive). The clause 'क' of the said Government Resolution is very material and reads as under: -

“(क) योजनेचा दुसरा लाभ :

(१) पहिल्या लाभानंतर १२ वर्षांची नियमित सेवा पूर्ण केलेल्या कर्मचा-यास खालील तक्त्यात नमूद केल्याप्रमाणे दुसरा लाभ मंजूर करण्यात येईल.

(२) हे लाभ मंजूर करताना कर्मचा-याच्या वेतनबॅंड मध्ये बदल होणार नाही.

(३) हा लाभ मंजूर केल्यानंतर महाराष्ट्र नागरी सेवा (वेतन) नियम, १९८१ च्या नियम ११(१) नुसार वेतननिश्चिती करण्यात येईल. वेतननिश्चितीसाठी विकल्प अनुज्ञेय राहिल.

तक्ता

पहिल्या लाभानंतरचे ग्रेड वेतन (रुपये)	दुस-या लाभांतर्गत अनुज्ञेय अतिरिक्त ग्रेड वेतन (रुपये)
२००० पर्यंत	३००
२००१ ते ४०००	४५०
४००१ ते ५०००	६००
५००१ ते ५९०० पर्यंत (मूळ पदाचे ग्रेड वेतन रु. ५४०० + पहिल्या लाभांतर्गत अनुज्ञेय करण्यात आलेले ग्रेड वेतन रु. ५००=५९००)	७००

उदा :- वेतनबॅंड रु. ५२००-२०२०० अधिक ग्रेड वेतन रु. १९००/- या वेतनसंरचनेतील कर्मचा-यास पहिला लाभ मिळाल्यास त्याचे ग्रेड वेतन रु. १९००+२००= २१०० इतके तर दुस-या लाभांतर्गत त्या कर्मचा-यांचे (वरील तक्त्यातील अ.क्र. २ नुसार) ग्रेड वेतन रु. २१००+४५०= २५५० इतके होईल.”

11. The plain reading of the aforesaid provision in the Government Resolution thus, makes it crystal clear that even those employees, who are getting Grade Pay up to Rs. 5900 are entitled to get the benefit of the Government Resolution for second time bound pay scale and the benefit is worth Rs. 700 in the Grade Pay.

12. The learned Advocate for the applicant also invited my attention to Government Resolution dated 6.9.2014 in respect of grant of second Assured Progress Scheme to the employees. As per the Government decision the second time bound promotional Grade Pay has been made applicable to the employees, who does not get chance of promotion due to non-availability of promotional avenue. It is to be noted that while granting first and second time bound promotion pay scale the employer has to see that the pay band of the employee is not changed and, therefore, the Government decided to grant benefit of Pay Grade only to the employees crossing gradation pay up to Rs. 5100 to 5900.

13. From the impugned communication dated 9.2.2015, it seems that the respondents have considered only Government Resolution dated 1.4.2010 while rejecting the applicant's claim, but they have not considered the subsequent GRs i.e. G.Rs. dated 5.7.2010 and 6.9.2014 and, therefore, the impugned communication seems to be not legal and proper. I, therefore, pass the following order:-

ORDER

- (i) The impugned communication dated 9.2.2015 issued by the respondent No. 3 on the basis of the order dated 17.10.2013 passed by the Commissioner, Animal Husbandry, M.S., Pune, is hereby quashed and set aside.
- (ii) The respondents are directed to extend the benefit of 'revised in service Assured Progress Scheme' to the applicant as per the various GRs dated 1.4.2010, 5.7.2010, 1.7.2011 and 6.9.2014 w.e.f. his entitlement to such scheme.

- (iii) Accordingly, the present original application stands disposed of with no order as to costs.

MEMBER (J)

O.A.NO. 229-2015(hdd)-2016