

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 646/2021 (S.B.)**

Pravin Gajanan Giri,
Aged about 48 Years,
Occupation: Service,
R/o Darwaha, Tq. Darwaha,
Dist. Yavatmal.

Applicant.

Versus

- 1) State of Maharashtra,
R/T Secretrary Revenue Department,
Mantralaya, Mumbai.
- 2) State of Maharashtra,
The Collector, Yavatmal.
- 3) The Sub-Divisional Court, Darwaha,
Tq. Darwaha, Dist. Yavatmal.
- 4) The Tehsildar, Darwaha,
Tq. Darwaha, Dist. Yavatmal.

Respondents

Shri A.D.Tote, Id. Advocate for the applicant.

Shri A.M.Khadatkar, Id. P.O. for the respondents.

Coram :- Hon'ble Shri M.A.Lovekar, Member (J).

JUDGMENT

Judgment is reserved on 11th Nov., 2024.

Judgment is pronounced on 22nd Nov., 2024.

Heard Shri A.D.Tote, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. The applicant was appointed as Talathi on 10.12.1999 and he joined on 13.12.1999 (A-1). It is his grievance that he was unjustly deprived of first time bound promotion to which he became entitled on completion of service of 12 years and such denial was contrary to G.Rs. dated 20.07.2001, 15.10.2009, 07.10.2016, 01.02.2020 and 20.04.2021 (Annexures-A-2 to A-6, respectively). By order dated 20.02.2018 (A-1) first time bound promotion was given to the applicant w.e.f. 05.07.2017. The applicant had cleared Departmental Secondary Service Examination but not the Revenue Qualifying Examination. He completed 45 years on 05.07.2017 and became entitled to get the exemption from passing the examination. According to the applicant, he was entitled to get first time bound promotion w.e.f. the date on which he had completed service of his 12 years. Hence, this Original Application.

3. Stand of respondent no. 3 is that the applicant had not cleared Revenue Qualifying Examination till he had completed 45 years of age, passing this examination was one of the conditions precedent, he completed 45 years of age on 05.07.2017, at this point of time he

became entitled to get the exemption from passing this examination and thus first time bound promotion was rightly given to him w.e.f. 05.07.2017.

4. Clause 5 of G.R. dated 20.07.2001 (A-2) states that passing Revenue Qualifying Examination is one of the conditions precedent for extending the benefit of time bound promotion. This clause reads as under:-

या योजनेअंतर्गत पदोन्नतीच्या पदाची वेतनश्रेणी देय ठरविली असल्याने वरिष्ठ वेतनश्रेणी मिळण्यासाठी पदोन्नतीच्या पदाकरिता विहित केलेली अर्हता, पात्रता, ज्येष्ठता, अर्हता परीक्षा, विभागीय परीक्षा या सर्व बाबींची पूर्तता करणे तसेच पदोन्नतीची कार्यपद्धती अनुसरणे आवश्यक राहिल. जेथे या शासन निर्णयासोबतच्या परिशिष्टातील वेतनश्रेणी मंजूर करण्यात येईल तेथे गोपनीय अहवालाच्या आधारे पात्रता तपासण्यात यावी.

5. G.R. dated 15.10.2009 (A-3) supplies the following clarification:-

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या संदर्भात मूळ निर्णयामधील परि. २ (ब) मध्ये स्पष्ट केल्याप्रमाणे अर्हता परीक्षा किंवा विभागीय परीक्षा विहित संधीत / मुदतीत उत्तीर्ण न झाल्यामुळे ज्येष्ठता गमावली असेल अशा कर्मचा-याने १२ वर्षांच्या कालावधीत सदर परीक्षा उत्तीर्ण केल्यास त्याला नियमित सेवेची १२ वर्ष पूर्ण झाल्यानंतर अथवा १२ वर्षानंतर विभागीय/ अर्हता परीक्षा पास झाल्यास त्या तारखेपासून, अन्यथा पात्र ठरत असल्यास त्याच्या सुधारीत ज्येष्ठता सूचीतील स्थानात बदल न करता कालबद्ध पदोन्नती/सेवांतर्गत आश्वासित प्रगती योजने अंतर्गत वरिष्ठ वेतनश्रेणी देण्यात यावी.

This clarification does not dispense with any of the criteria stipulated in aforequoted Clause 5 of G.R. dated 20.07.2001.

6. G.R. dated 07.10.2016 (A-4) also does not dilute any of the criteria stipulated in Clause 5 of G.R. dated 20.07.2001. It only adds that for computing period of 12 years temporary service too, shall be taken into account.

7. Following clarification in G.R. dated 01.02.2020 (A-5) also does not dilute any of the criteria stipulated in Clause 5 of G.R. dated 20.07.2001:-

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अ) अर्हता परीक्षा किंवा विभागीय परीक्षा विहित संधीत / मुदतीत उत्तीर्ण न झाल्यामुळे ज्येष्ठता गमावली असेल अशा कर्मचाऱ्याने १२ वर्षांच्या नियमित सेवा कालावधीत सदर परीक्षा उत्तीर्ण केल्यास त्याला नियमित सेवेची १२ वर्ष पूर्ण झाल्यानंतरच्या लगतच्या तारखेस

अथवा

ब) १२ वर्षांच्या नियमित सेवेनंतर, विभागीय / अर्हता परीक्षा उत्तीर्ण झाल्याच्या तारखेस

उपरोक्त (अ) अथवा (ब) यापैकी कोणत्याही प्रकारात मोडणाऱ्या कर्मचारी / अधिकारी यांना विभागीय पदोन्नती समितीच्या बैठकीतील पात्रतेनुसार, (त्याच्या सुधारीत ज्येष्ठता सूचीतील स्थानात बदल न करता) कालबद्ध पदोन्नती योजनेअंतर्गत / सेवांतर्गत आश्वासित प्रगती योजनेअंतर्गत वरिष्ठ वेतनश्रेणी देण्यात यावी.

8. A conjoint consideration of the facts of the case and policy contained in aboveresferred G.Rs. shows that as the applicant had not cleared Revenue Qualifying Examination till completion of 45 years of age and as he became entitled to get exemption from passing this examination on completion of 45 years of age i.e. on 05.07.2017, benefit of first time bound promotion was rightly given to him w.e.f. 05.07.2017. Thus, the O.A. lacks merit. **It is accordingly dismissed with no order as to costs.**

Member (J)

Dated :- 22/11/2024
aps

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

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 22/11/2024
and pronounced on

Uploaded on : 25/11/2024