

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.1030/2022 (S.B.)**

1. Prasanna Madhukar Shouche,
Aged about 56 years, Occupation: Retired (PWSI),
R/o C/o M.D. Tarsekar, Plot No.10,
Gajanan Nagar, Wardha Road,
Nagpur, Tah. & Dist. Nagpur.
2. Vinod Shamrao Ambarkar,
Aged about 64 years, Occupation: Retired (PWSI),
R/o C/o Near Ganesh Vyas Temple,
Sai Nagar, Wardha, Tah. & Dist Wardha.
3. Nandkishor Madhukarrao Deshpande,
Aged about 61 years, Occupation: Retired (PWSI),
R/o House No. 11, Wardhaman Height, Kolhe Nagar,
Jalgaon, Tah. & Dist. Jalgaon.
4. Pradeep Maruti Gosavi,
Aged about 57 years, Occupation: Service- (PWSI),
R/o At post Dhoki, Tah Parner,
Dist. Ahmadnagar.
5. Rajendra Dukharan Mishra,
Aged about 60 years, Occupation: Retired (PWSI),
R/o Lotus Panche Tower No.8,
Flat No.2205, Sector No.110,
Noida, Dist. Goutam Budh Nagar, U.P.

... APPLICANTS**// V E R S U S //**

- 1] The State of Maharashtra,
Through it Secretary,
Home Department,
Mantralaya, Mumbai-32.

- 2] The Director General of Police,
(M.S.) Hutatma Chowk,
Near Regal Cinema, Mumbai.
- 3] The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.

... RESPONDENTS

Shri S.N. Gaikwad, Advocate for the Applicants.

Shri S.A. Sainis, learned P.O. for the Respondents.

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

Dated :- 05/12/2024.

J U D G M E N T

Heard Shri S.N. Gaikwad, learned counsel for the applicants and Shri S.A. Sainis, learned P.O. for the respondents.

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

The applicants were appointed on the post of Assistant Sub-Inspector of Police (Wireless), as per orders dated 30/01/1987, 30/09/1978, 30/09/1978 and 01/11/1985 respectively. The applicants were entitled to get 1st Time Bound Promotion in the year 1999, 1994, 1994 and 1997 i.e., after completion of 12 years of service. Respondents have not granted the benefit of

Time Bound Promotion as per G.Rs. dated 08/06/1995, 20/07/2001 and 01/04/2010 on the ground that the applicants have not passed the Departmental Classification Examination in the year 2009, 2000, 2000 and 2011. Therefore, the benefit of 1st Time Bound Promotion was not granted to the applicants.

3. This Tribunal has directed to grant exemption from passing the said examination after completion of 45 years of age. The applicants have claimed that the 1st Time Bound Promotion shall be granted to them w.e.f. January 1999, October 1994, October 1994 and November 1997.

4. Respondents have denied the claim of applicants. It is submitted that, applicants have not passed Departmental Examination. Therefore, they are not entitled to claim 1st Time Bound Promotion after completion of 12 years of service. They were granted the said benefit after passing the Departmental Examination.

5. During the course of submission learned Advocate for applicants Shri S. N. Gaikwad has pointed out the Judgment of

this Tribunal in O.A. No.156/2018, decided on 22/11/2024. Para 6 of the Judgment is reproduced below :-

"6. The Judgment of the Hon'ble Supreme Court in the case of K.C. Sharma and Ors. VS. Union of India & Ors. (1997) 6 SCC 721 is very clear. The material portion of the Judgment is reproduced below:-

"13. It is, therefore, very clear that the principle is that for Time Bound Promotion, the period is to be counted from the date of initial appointment and even if the concerned employee did not clear the examinations within the time and attempts, etc. that might give rise to any other consequence with regard to his service conditions, but as far as Time Bound Promotion is concerned, that would be no circumstance against him."

6. As per Judgment of the Hon'ble Supreme Court in the case of ***K.C. Sharma and Ors. VS. Union of India & Ors. (1997) 6 SCC 721***, the 1st Time Bound Promotion is to be granted after completion of 12 years of service. The period is to be counted from the date of initial appointment and even if the concerned employee did not clear the examination within time and attempts. The failure to pass the examination may give other consequences with regard to his service conditions, but as far as Time Bound Promotion is concerned that would be no circumstance against him.

7. In view of the above cited Judgments, the applicants would get 1st Time Bound Promotion after completion of 12 years of service from the date of their initial appointment. Hence, the following order:-

O R D E R

- (i) O.A. is allowed.
- (ii) The respondents are directed to give 1st Time Bound Promotion to the applicants after completion of 12 years of service from the date of their initial appointment.
- (ii) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman.

Dated :-05/12/2024.
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 Vice Chairman.

Judgment signed on : 05/12/2024