

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.592/2018(S.B.)**

Shri Wasudeo S/o. Domaji Raut,  
Aged about 58 years, Occupation- Retired,  
Govt. Servant, Resident of Kamal Krist  
Town Housing Society, Flat No.302,  
Building No.3 Third Floor, Hudkeshwar Road,  
Pipla Phata, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai -32.
- 2) Superintending Engineer and Administration,  
CADA, Wainganga Nagar,  
Ajni, Nagpur.
- 3) Executive Engineer,  
Pench Irrigation Division (South)  
Wainganga Nagar, Ajni, Nagpur.

**Respondents**

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Shri A.A.Saiyed, Ld. Counsel for the applicant.  
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

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

**Dated: - 04<sup>th</sup> September, 2024.**

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**JUDGMENT**

**Judgment is reserved on 21<sup>th</sup> August, 2024.**

**Judgment is pronounced on 04<sup>th</sup> September, 2024.**

Heard Shri A.A.Saiyed, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the respondents.

2. Undisputed facts are as follows. Date of birth of the applicant is 31.01.1959. He was appointed on daily wages on 01.10.1979. He was brought on regular establishment as Majoor w.e.f. 05.10.1984. He completed 45 years of age on 30.01.2004. He was absorbed on Class-III post of Karkoon on 18.03.2008. By order dated 05.11.2015, on account of having attained the age of 45 years, exemption was granted to him from passing the departmental/qualifying examination. He successfully completed the training program from 29.04.2014 to 08.10.2014 for absorption on the post of Civil Engineering Assistant. Though, he was eligible no vacancy of promotional post arose till his retirement on superannuation on 31.01.2017 and he retired as Karkoon.

3. Grievance of the applicant is that by extending benefits of time bound promotion scale of Civil Engineering Assistant ought to have been given to him from 31.01.2004 to 30.01.2007, and further scale of Junior Engineer ought to have been extended to him from 31.01.2007 to 31.01.2017.

4. By the impugned communication dated 14.03.2018 (Annexure A-1) rejection of representation of the applicant dated 07.12.2017 was communicated to him.

5. I have set out the undisputed facts. The applicant himself has stated that he could not be promoted as Civil Engineering Assistant because there were no vacancies.

6. According to the applicant, since there were no vacancies of promotional post benefits of time bound promotion ought to have been extended to him. In support of this submission reliance was sought to be placed on Circular dated 18.06.1998 (Annexure A-4) issued by Finance Department of Government of Maharashtra. This Circular deals with the issue of extending benefits of time bound promotion to Civil Engineering Assistants. As per this Circular to extend these benefits period of 12 years was to be counted from appointment as Mistri, Karkoon, etc.. This Circular will not help the applicant. The applicant was absorbed as Karkoon on 18.03.2008 and before completion of 12 years therefrom he

retired on superannuation on 31.01.2017. In these facts the O.A. is liable to be dismissed. It is accordingly dismissed with no order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 05/09/2024.  
rsm.

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

Name of Steno : Raksha Shashikant Mankawde.

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

Judgment signed on : 05/09/2024.

and pronounced on

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