

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.983/2022 (S.B.)

Rajesh Shriram Dubey,
 Aged about 59 years, Occupation: Retired (PWSI (Engg.),
 R/o Plot No. 25, Shrikrishna Nagarm Zingabai Takali,
 Godhani Road, Nagpur, Tah. & Dist. Nagpur.

... **APPLICANT**

// 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.
- 4] The Commissioner of Police,
 Nagpur City, Civil Lines, Nagpur.

... **RESPONDENTS**

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

Shri A.M. Khadatkhar, 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 applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

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

The applicant was appointed on the post of Assistant Sub-Inspector of Police (Wireless), as per order dated 26/12/1983. The applicant was entitled to get 1st Time Bound Promotion in the year 1995, 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 applicant has not passed the Departmental Classification Examination in the year, 2013. Therefore, the benefit of 1st Time Bound Promotion was not granted to the applicant.

3. This Tribunal has directed to grant exemption from passing the said examination after completion of 45 years of age. The applicant has claimed that the 1st Time Bound Promotion shall be granted to him w.e.f. December, 1995. Respondents have

denied the claim of applicant. It is submitted that, applicant has not passed Departmental Examination. Therefore, he is not entitled to claim 1st Time Bound Promotion after completion of 12 years of service. He was granted the said benefit after passing the Departmental Examination.

4. During the course of submission learned Advocate for applicant 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."

5. 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.

6. In view of the above cited Judgments, the applicant would get 1st Time Bound Promotion after completion of 12 years of service from the date of his 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 applicant after completion of 12 years of service from the date of his 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