

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 1165/2022(S.B.)**

Murlidhar Vishwanath Khobre,  
Aged about 60 years, Occ. Retired,  
R/o Tah. & Dist. Gadchiroli.(Dead)  
i.)(a) Smt.Nanda Murlidhar Khobre,  
Aged 56 yrs,  
ii.) Rajiv Murlidhar Khobre,  
Aged 35 yrs,  
iii.) Rahul Murlidhar Khobre,  
Aged 34 yrs,  
iv.) Rakesh Murlidhar Khobre,  
Aged 32 yrs,  
All R/o Kotgal,  
Tah.& Dist. Gadchiroli.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai -32.
2. Collector, Gadchiroli.
3. Resident Deputy Collector,  
Office of Collector, Gadchiroli.

**Respondents**

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Shri N.R.Saboo, Ld. Counsel for the applicant.  
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated:- 04<sup>th</sup> April, 2024.**

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### **JUDGMENT**

Heard Shri N.R.Saboo, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the Respondents.

2. Case of the applicant in short is as under-

The applicant was appointed as Talathi as per order dated 25.05.1984. The Collector, Gadchiroli as per order dated 28.08.1997 granted first time bound promotion to him w.e.f. 29.05.1996. The applicant was entitled for second time bound promotion after twenty four years of his service. No any adverse C.Rs. were communicated to the applicant while he was in service. The respondent i.e. Collector granted second time bound promotion to the applicant w.e.f. 29.05.2016. The applicant is entitled to get second time bound promotion w.e.f. 29.05.2008. Therefore, the applicant approached to this Tribunal for the following reliefs-

*i) To quash & set aside order dated 16.03.22 issued by Respondent No. 3 Resident Deputy Collector, Gadchiroli annexed at Annexure-A-9.*

*ii) By appropriate order be pleased direct the Respondents to modify order dated 10.12.21 passed by Respondent Collector, Gadchiroli at Annexure A-7 and direct to grant second benefit of Assured Progress Scheme w.e.f. 29.05.2008 with all consequential monetary claim.*

*iii) To allow the O.A. and direct the respondents to grant applicant 3<sup>rd</sup> benefit as per recommendation of 7<sup>th</sup> pay Commission and further be pleased to direct to revise pay fixation and also to revise pension of applicant and grant all consequential monetary claim payable to the applicant.*

*iv) To grant any other relief if this Hon'ble Tribunal deems fit in the facts and circumstances of the case.*

3. The O.A. is strongly opposed by the respondents in para 4 of the reply. It is submitted that the C.Rs. of the year 2003-04 were not received by the respondents. It was decided that issue of grant of second benefit of ACPS would be considered in the next meeting. As remarks of the confidential reports were adverse the second benefit was not given to him from the year 2008. However, the applicant qualified to receive second time bound promotion w.e.f. 29.05.2016 and same has been granted to the applicant. Hence, the O.A. is liable to be dismissed.

4. After filing the reply, the applicant has obtained C.Rs. from the year 2003-04 under the Right to Information Act. The respondents have supplied the copies of C.Rs. from the year 2003-04

to 2008. Rejoinder is filed by the applicant submitting that applicant was having following remarks-

**2003-04 B+**

**2004-05 B**

**2005-06 A**

**2006-07 B**

**2007-08 B+**

5. During the course of submission, the learned counsel for the applicant submits that the applicant was having average C.R. of 'B+' to grant second time bound promotion. The learned P.O. has pointed out G.R. dated 05.07.2010. He has submitted that the applicant was not having 'B+' C.R.. Therefore, second time bound promotion ACPS was not granted.

6. The learned counsel for the applicant submits that the applicant is entitled for second and third benefit of ACPS. The material portion of G.R. dated 05.07.2010 is reproduced below-

**ड) योजनेच्या दुसऱ्या लाभासाठी पात्रतेच्या अटी व शर्ती :**

(१) पहिल्या लाभानंतर १२ वर्षांची नियमित सेवा पूर्ण होणे आवश्यक राहिल.

(२) पहिल्या लाभाच्या प्रयोजनार्थ लागू असलेल्या अटी व शर्ती दुसऱ्या लाभासाठीही लागू राहतील. मात्र, गोपनीय अहवालाची सरासरी प्रतवारी "ब+" (निश्चित चांगली) प्राप्त करणे आवश्यक राहिल.

३. योजनेचा दुसरा लाभ दिनांक १ ऑक्टोबर २००६ पासून लागू राहिल. परंतु १ ऑक्टोबर, २००६ ते ३१ मार्च, २०१० पर्यंत काल्पनिकरित्या वेतननिश्चिती करून प्रत्यक्ष लाभ दिनांक १ एप्रिल, २०१० पासून मंजूर करण्यात येतील. मात्र दिनांक १ ऑक्टोबर, २००६ ते ३१ मार्च, २०१० पर्यंतच्या कालावधीतील थकबाकी अनुज्ञेय राहणार नाही.

४. या आदेशांनुसार यथास्थिति पहिला अथवा दुसरा लाभ मंजूर केल्यानंतर ६ वर्षांनी कर्मचाऱ्याच्या गोपनीय अहवालाची तपासणी करण्यात यावी. या ६ वर्षांतील त्याच्या गोपनीय अहवालातील त्याला अनुकूल असलेल्या कोणत्याही ३ गोपनीय अहवालांची सरासरी पहिल्या लाभाच्या प्रकरणी "ब" (चांगली) व दुसऱ्या लाभाच्या प्रकरणी "ब+" (निश्चित चांगली) असणे आवश्यक राहिल, गोपनीय अहवालांची ही सरासरी प्रतवारी प्राप्त न केल्यास तसेच, कर्मचारी वैद्यकीय अथवा अन्य कारणास्तव अपात्र ठरल्यास त्याला मंजूर करण्यात आलेला यथास्थिति पहिला अथवा दुसरा लाभ काढून घेण्यात येईल व अशा लाभांची वसूली करण्यात येईल. सदर वसुलीची संपूर्ण जबाबदारी संबंधित आस्थापना अधिकाऱ्यांची राहिल.

५. संबंधित कर्मचाऱ्याचा पहिला लाभ काढून घेतला असेल तर त्यानंतरच्या पुढील प्रत्येक वर्षी त्याचा पहिला लाभ मंजूर करण्यासाठी विचार करण्यात यावा अशा कर्मचाऱ्याचा थेट दुसऱ्या लाभासाठी विचार केला जाणार नाही.

६. या योजनेखाली देण्यात आलेले लाभ काढून घेतल्यावर संबंधित कर्मचाऱ्याची वेतननिश्चिती जणू काही या योजनेचे लाभ दिले नव्हते असे समजून महाराष्ट्र नागरी सेवा (वेतन) नियम, १९८१ मधील नियम १२ च्या तरतूदीनुसार करण्यात यावी.

7. From the perusal of the C.Rs. filed by the applicant along with rejoinder it is clear that the C.Rs. of the applicants are as under-

**2003-04 B+**

**2004-05 B**

**2005-06 A**

**2006-07 B**

**2007-08 B+**

8. Reply filed by the respondents is not correct. In reply itself the respondents have stated that C.Rs. of the year 2003-04 was not available. But the applicant has filed C.Rs. of 2003-2004 which was obtained under the Right to Information Act. Therefore, it appears that the respondents have not filed a correct reply before this Tribunal. The C.Rs. filed by the applicant on record show average C.Rs. of the applicant was of B+ to get second time bound promotion. Average C.Rs. were B+. Hence, the respondents should have granted him second time bound promotion from 2008. The respondents have admitted in their reply itself that the applicant was entitled to get second time bound promotion w.e.f. 29.05.2008. It is submitted by the respondents that C.Rs. were not good. But from the perusal of C.Rs. from the year 2003-04 to 2008 it is clear that the average C.Rs. of the applicant was B+. Therefore, as per G.R. dated

05.07.2010, the applicant was/is entitled to get second time bound promotion w.e.f. 29.05.2008. Hence, the following order is passed.

**ORDER**

1. The O.A. is allowed.
2. The respondents are directed to pay second time bound promotion to the applicant w.e.f. 29.05.2008. As per G.R. dated 05.07.2010 and actual benefit shall be given w.e.f. 31.03.2010.
3. The respondents are directed to grant third time bound promotion as per G.R. dated 02.03.2019, if the applicant is entitled / eligible for the same.
4. No order as to costs.

**(Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated – 04/04/2024.**  
**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 Vice Chairman.  
Judgment signed on : 04/04/2024.  
Uploaded on : 12/04/2024.

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