

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A.NO.810/2012 O.A.NO.354/2015, O.A.NO.820/2015,
O.A.NO.821/2015, AND**

**O.A.No.14/2016, O.A.NO.54/2016, O.A.No.115/2016,
O.A.No.200/2016, O.A.No.238/2016, O.A.No.248/2016,
O.A.No.341/2016, O.A.No.343/2016, O.A.No.344/2016,
O.A.No.356/2016, O.A.No.376/2016, O.A.No.384/2016,
O.A.No.520/2016, O.A.No.564/2016 AND**

**O.A.No.674/2016, O.A.No.675/2016, O.A.No.676/2016,
O.A.No.677/2016, O.A.No.678/2016, O.A.No.679/2016,
O.A.No.680/2016, O.A.No.681/2016, O.A.No.682/2016,
O.A.No.683/2016, O.A.No.684/2016, O.A.No.685/2016,
O.A.No.686/2016, O.A.No.687/2016, O.A.No.688/2016,
O.A.No.689/2016, AND O.A.No.690/2016,**

(B.N.More & Others V/s. State of Mah. & Others)

**CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 26.08.2016

COMMON ORDER :-

1. Heard S/shri Vivek Pingle, S.K. Mathpati, Avinash Deshmukh, R.P. Bhumkar, Smt. Vinaya Muley-Dharurkar, Sandip Kulkarni holding for Smt. S.A. Dhongde, S.S. Panale, Smt. S.L. Puri holding for Smt. Sangmitra Wadmare & Sandip Kulkarni, learned Counsel for the applicants in all these matters and S/shri M.S. Mahajan, learned Chief

Presenting Officer & S/shri I.S. Thorat, S.K. Shirse, D.R. Patil, M.P. Gude, N.U. Yadav, V.R. Bhumkar, Smt. P.R. Bharaswadkar, Smt. Resha S. Deshmukh, Smt. Deepali S. Deshpande and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officers for the respondents in all these matters except Shri Sham Patil, learned Counsel for respondent nos. 2 & 3 in O.A. 821/15, Shri G.N. Patil, learned Counsel for respondent no. 2 in O.A. 115/16 and Shri G.N. Patil, learned Counsel for respondent nos. 2 & 3 in O.A. 376/16. Shri S.G.Sangle learned Advocate for respondent no.3 in M.A.No.202/2016 in O.A.St.No.783/2016.

2. All these O.As. have been listed and are heard finally with consent of all the parties. G.R. dated 01-04-2010 was issued as regards providing benefit of second Assured Career progressive Scheme. According to the applicants they are eligible for being considered for grant of benefit of second Assured Career progressive Scheme as per the said G.R. since they have completed more than 24 years' service in their respective posts. All the applicants have retired on superannuation in between the period of 01-10-2006 to 31-03-2010.

3. As per the G.R. dated 01-07-2011, it has been stated that the benefit of second time bound promotion will not be applicable to those who retired in between the period of 01-10-2006 to 31-03-2010.

4. It is an admitted fact that this contention denying benefit of second Assured Career Progressive Scheme to those who retired between 01-10-2006 to 31-03-2010 was challenged in O.A. No. 834/2011 with O.A. Nos. 261, 686 and 1135 all of 2012 and O.A. No. 247/2013. In the said judgment in paragraph no. 14, this Tribunal has observed as under:-

“14. Thus, these O.As. are allowed to the extent of holding the aforesaid explanation as illegal and it is held that the employees who retired after 1.10.2006 till 1.4.2010 also need to be given the benefit of Modified Assured Career Progressive Scheme as provided in G.R. dated 1.4.2010, if they fulfill the conditions mentioned in paragraph no. 2 of the G.R. No order as to costs.”

5. Aforesaid order has been challenged before the Hon'ble High Court of Judicature at Bombay in Civil

Appellate Jurisdiction bearing various W.P. Nos. 7062/2014, W.P. No. 5766/2015, 4506/2015, 2364/2015, 2365/2015, 2263/2015, 9152/2015, 9153/2015, 9154/2015, 9155/2015, Civil Appeal No. 337/2015 in 7062/2014 and Civil Appeal No. 339/2015 in 7062/2014. The Hon'ble Bombay High Court by its judgment dated 24.06.2016, disposed of all these W.Ps. by passing common order, wherein the judgment delivered by this Tribunal as aforesaid in various O.As, was confirmed.

6. Similar view is also taken by this Tribunal in O.A. No. 227/2015 in the case of **Kacheshwar s/o Baburao Pawar Vs. The State of Maharashtra and others** delivered on 26.04.2016. It evident from various pronouncements as referred above that the employees who retired between the period 01.10.2006 till 01.04.2010 also need to be given the benefit of Modified Assured Career Progressive Scheme as provided in the G.R. dated 01.04.2010, if they fulfill the conditions mentioned in Paragraph no.2 of the said G.R. Since the applicants have retired in between 01.10.2006 to 31.03.2010, these pronouncements are also applicable to the

applicants' case. Learned CPO also fairly conceded that the present cases are covered by various pronouncements referred above.

7. In view thereof, I pass following order:-

ORDER

- (i) All the Original Applications are allowed.
- (ii) The respondents are directed to consider the case of each applicant separately in the light of the G.R. dated 01.04.2010 and in view of the already discussed decisions in paragraphs of this judgment as well as of the Hon'ble High Court and shall provide the benefit of Second Assured Career Progressive Scheme provided in G.R. dated 01.04.2010, if the applicants are otherwise found eligible as per the said G.R. Needless to say that the applicants shall be entitled to all consequential benefits, if found eligible for Second Assured Career Progress Scheme.
- (iii) Necessary decision may be taken within three months from the date of this order.
- (iv) There shall be no order as to costs.

MEMBER (J)