

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 120 OF 2016

The State of Maharashtra and another ...PETITIONERS

versus

Dilip Shriram Kulkarni ...RESPONDENT

.....
Mr. S.G. Karlekar, AGP for Petitioners - State
Mr. Avinash S. Deshmukh, Advocate for respondent

.....
**CORAM : R.M. BORDE AND
K.K. SONAWANE, JJ.**

DATED : 5th OCTOBER, 2016.

Order :-

1. In the instant petition, petitioners - State authorities are taking exception to order dated 12th January, 2015 passed by Member, Maharashtra Administrative Tribunal in Review Application No. 01 of 2014 in Original Application No. 957 of 2012 filed by present respondent.

2. Original application tendered by respondent - original applicant relates to grant of benefits under Assured Progress Scheme (for short "Scheme") on completion of twelve (12) years service. According to respondent-original applicant, he became eligible to draw the benefits under the Scheme w.e.f. 31-01-1996. The Tribunal had considered that respondent - original applicant is eligible for benefit under the scheme w.e.f. 01-07-2009. On earlier occasion, while dealing with original application on 13-02-2014, the Tribunal had taken into account Note (1) contained in circular dated 20-11-1989 in respect of computing of marks to be awarded for confidential reports of the employees.

2. It was pointed out to the Tribunal that for the year 2003-2004 for large part of period i.e. for five months the confidential reports of the respondent-original applicant denote as "A" grade, whereas, for the rest of

period "A" and "C" grades, respectively were recorded in his confidential report. The Tribunal considering the confidential reports and entitlement of the respondent - original applicant, awarded "two" marks. While awarding "two" marks the Tribunal did not take into account relevant "Note (2)" and directions under the circulars for large period of one year and gradation awarded for the aforesaid period in the confidential report, same shall have to be taken into account.

3. In the instant matter, gradation of the respondent-original applicant in confidential report for duration of five months of year 2003 is "A" and as such respondent-original applicant is eligible to award "four" marks instead of "two" marks. Mistake in computing marks has been pointed out to the Tribunal while dealing with claim of the respondent-original applicant, in review, as such, earlier order rejecting claim of the original applicant has been corrected.

4. After hearing learned counsel appearing for respective parties, we are satisfied that view taken by the Tribunal is logical, proper and in consonance with policy framed by the Government. Even otherwise, computation of marks by the Tribunal while dealing with review application is not otherwise erroneous and therefore not liable to be interfered.

5. For the reasons recorded above, there is no merit in the writ petition and same stands dismissed.

Sd/-

[K. K. SONAWANE, J.]

MTK

Sd/-

[R.M. BORDE, J.]