

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4979/2016

(RAMESH MAROTRAO UMAP **VERSUS** THE STATE OF MAHARASHTRA & ANOTHER)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.U. Nemade, counsel for the petitioners.
 Shri A.S. Fulzele, Additional G.P. for the R-1 & 2.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : NOVEMBER 30, 2016.

By this writ petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, dated 10.03.2016 dismissing the original application filed by the petitioner.

The petitioner had filed the original application before the Maharashtra Administrative Tribunal for a direction to the respondents to grant the second time bound promotion to the petitioner as per the Government Resolution, dated 01.04.2010. The Maharashtra Administrative Tribunal dismissed the original application filed by the petitioner by the order dated 10.03.2016. The petitioner has challenged the said order in the instant petition.

On a reading of the impugned order and the Government Resolution, dated 01.04.2010 as also the clarificatory note issued by the government to the said resolution, it appears that the tribunal was justified in rejecting the prayer of the petitioner for a direction against the respondents to grant the benefit of the second time bound promotion to the petitioner. On a combined reading of the

policy, as laid down in the Government Resolution, dated 01.04.2010 as also the clarificatory note, it appears that the second time bound promotion could have been granted to an employee who is not actually promoted twice, while in service. The tribunal found, on an appreciation of the material on record that the petitioner was actually promoted twice, once as a Junior Clerk on 01.01.1983 from the post of Peon and, second as a Awwal Karkun with effect from 15.10.2007. It was found by the tribunal that the petitioner was granted the first time bound promotion in the pay-scale of Awwal Karkun in the year 1999. Since the petitioner was actually promoted on two occasions while in service and the petitioner was also granted one time bound promotion on the post of Awwal Karkun in the year 1999, the tribunal rightly held on a proper appreciation of the policy laid down in the government resolution, dated 01.04.2010 and clarified *vide* the clarificatory note that the petitioner is not entitled to the second time bound promotion as he was actually promoted twice and he had already received one time bound promotion in the year 1999. The order of the tribunal is based on a correct reading of the government resolution and the clarificatory note and does not call for any interference in exercise of the writ jurisdiction.

Since the order of the tribunal is just and proper, we dismiss the writ petition with no order as to costs.

JUDGE

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