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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7672 OF 2015

The State of Maharashtra & Ors.

...Petitioners

Vs.

Shri Vilas Yashwant Mokashi

..Respondent

Mr. M.S. Bane, "B" Panel Counsel for Petitioners.

Mr. Chandrakant T. Chandratre for Respondent.

**CORAM: R.M. BORDE AND
A.S. GADKARI, JJ.**

DATE: 10 JANUARY 2017.

P.C.:

1 The Petitioner-State is objecting to the orders passed by the Maharashtra Administrative Tribunal in Original Application No.364 of 2011 presented by the respondent-employee decided on 5.2.2013 as well as Order passed by the Tribunal in an Application seeking review of the Order presented by the Petitioner-State herein dated 19.11.2013.

2 The respondent-employee contended before the Tribunal that

he is entitled for second benefit in respect of time bound promotional scheme on completion of 24 years of service on 31.12.2009. The respondent also claimed time bound promotional benefit on completion of 12 years of service with effect from 1.10.1994. The benefits under the policy of the Government available to the respondent/employee were not granted on the ground that the respondent/employee, was not continuous in employment of the State of Maharashtra and during certain intervening period, he was employed in Balchitravani, the Society established, administered and controlled by the State Government. The initial appointment of the respondent-employee was made in the year 1977 and on consideration of option exercised by him, he was inducted as an employee of the State Government since 19.1.1999. While inducting him in the the State employment, since equivalent post was not available, he was absorbed as a art teacher in the Maharashtra State Council of Education Research and Training Institute, Pune. The Tribunal while considering the issue raised before it, has considered all aspects in detailed and has recorded the finding that, the respondent/employee has completed 25 years of service. He was already granted time bound promotion benefit on completion of 12 years of service with effect from 1.10.1994 and as such he is entitled for second time bound promotional benefit on completion of

completion of 24 years of service. The Tribunal, as such, directed the State Government to pay the amount receivable by the petitioner after ensuing fulfillment of all other requirement under the policy of the State Government.

3 We have perused the Order passed by the Tribunal. We do not find any inconsistency and/or illegality in the orders impugned in the present petition. Apart from this, it has been stated by the Petitioner/State that actual benefits permissible to respondent-employee as directed by the Tribunal has been paid. The pension proposal of the respondent-employee has also been approved on 30.7.2015. The respondent/employee disputes the contention raised on behalf of the State as regards disbursement of amount in compliance of Order passed by the Tribunal. If the amount or any part thereof is not paid, it would be open for the respondent-employee to take steps for enforcement of orders passed by the Tribunal, as permissible in law.

4 The petition being devoid of merit, is accordingly dismissed.

(A.S. GADKARI,J.)

(R.M. BORDE, J.)