

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

26 WRIT PETITION NO. 14779 OF 2017

CHANDRAKANT SONU GURAO
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Wagh Vishwas B.
AGP for Respondent Nos 1 to 4 : Mr. N.T.Bhagat

...

CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : JULY 5, 2018

O R D E R :

The petitioner has challenged the judgment of the Maharashtra Administrative Tribunal to the extent of reliefs not granted by the Tribunal.

2. Mr. Wagh, learned counsel submits that re-pay-fixation has been done without considering number of years of service the petitioner has put in. The petitioner was granted the time bound promotional pay scale after completion of 12 years. The same is justified. After completion of 24 years, the petitioner is also entitled for ACPS benefit. The Tribunal has not considered grant of

second ACPS benefit nor any discussion has been made in the judgment. Learned counsel further submits that even the pensionary benefits are not directed to be granted. The petitioner has made prayer for grant of pension as per the pay scale, which the petitioner was getting.

3. Mr. Bhagat, learned AGP supports the order.

4. The petitioner was given promotion in the year 1993, however, the petitioner refused the promotion. If the person refuses the promotion, then he is not entitled for time bound benefit. The Government Resolution, dated 8.6.1995 is abundantly clear. Thereafter the petitioner was promoted in the year 2005. Of course, the petitioner would be entitled for the time bound promotional pay scale after completion of 12 years from his promotion in the year 2005, but the petitioner has accepted voluntary retirement in the year 2008. In view of that, question does not arise of time bound promotional pay. The Tribunal has rightly considered the aspect of recovery. As far as pension and retiral benefits are concerned, it is for the respondents to process the pension papers and

in case the petitioner is eligible, to send the same. Respondents shall take steps in that regard expeditiously, preferably within six months from today.

5. Writ Petition is accordingly disposed of. No costs.

[**SUNIL K.KOTWAL, J.**] [**S.V.GANGAPURWALA, J.**]

dbm