



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.2911 of 2021

Gajanan Ambadasrao Sakhare and others.

vs.

The State of Maharashtra, through its Secretary, Social Welfare Department, Mantralaya,
Mumbai and others.

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Shri R.N.Ghuge, Advocate for petitioners.

Ms D.V.Sapkal, Assistant Government Pleader for respondents

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CORAM :- A.S.CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE :- 27th OCTOBER, 2023

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Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The challenge raised by the petitioners is to the communication dated 27.01.2020 by which they have been denied benefit of second time bound promotion by stating that as and when orders are received from the State Government, such benefit would be made admissible.

3. The petitioners had approached this Court earlier in Writ Petition No.3369 of 2016 seeking benefit of the first time bound promotion. The said writ petition was disposed of and a direction was issued to make available such first benefit to the petitioners. The petitioners have also relied upon the order dated 15.01.2018 passed in Writ Petition No. 7123/2017 (*Vikas B. Jadhav and ors. vs. State and others*) Undisputedly, the petitioners have received the first benefit in terms of the said order. The only reason indicated in the communication dated 27.01.2020 is that the orders in that regard are yet to be received from the State Government.

4. It is to be noted that in the meanwhile, vide Government Resolution dated 02.03.2019 the Assured Career Progression Scheme has been modified. The benefit of Assured Career Progression Scheme under the recommendations of the Seventh Pay Commission is admissible after a

period of 10/20/30 years of service. The Scheme has been made applicable from 01.01.2016.

5. In view of aforesaid, we find that the following order would serve the interests of justice:

Corrected as
per Court's
order dated
07.11.2023

(i) The order dated 27.01.2020 issued by the respondent no.3-Assistant Commissioner, Social Welfare, Amravati, is set aside.

(ii) The respondent nos. 2 and 3 shall examine entitlement and eligibility of the petitioners to receive the second benefit under the Assured Career Progression Scheme in the light of the Government Resolution dated 02.03.2019 and other relevant Government Resolutions. The respondent nos. 2 and 3 shall consider the aforesaid entitlement within a period of eight weeks of receiving copy of this order. If the petitioners are found entitled to receive such benefit, the same shall be released in their favour within a period of four months of such decision being taken.

6. Rule stands disposed of in aforesaid terms with no order as to costs.

(ABHAY J. MANTRI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.