



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

**WRIT PETITION NO.4571 OF 2021**

Ganesh Nagorao Jumde and others

vs.

State of Maharashtra, through its Secretary, Tribal Development Department, Mumbai and  
ors.

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Shri A.A.Dhawas, Advocate for petitioners.

Shri N.H.Joshi, Assistant Government Pleader for respondent nos. 1 to 4.

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**CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.**

**DATE :- 13<sup>th</sup> OCTOBER, 2023**

**P C.**

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 26.05.2020 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.5206 of 2018 seeking benefit of the first time bound promotion. The said writ petition was allowed on 09.07.2019 and a direction was issued to make available such first benefit to the petitioners. Undisputedly, the petitioners have received the first benefit in terms of the said order. The only reason indicated in the communication dated 26.05.2020 is that the orders in that regard are yet to be received from the State Government.

4. It is seen from the communication dated 17.03.2020 that has been issued by the Assistant Project Officer to the Additional Commissioner, Tribal Development, Amravati that the petitioners have completed more than 24 years of service as on that date. 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:

(i) The order dated 26.05.2020 issued by the respondent no.3-Additional Commissioner, Tribal Development, Amravati, is set aside.

(ii) The respondent nos. 3 and 4 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. 3 and 4 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.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

*Andurkar.*