



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

WRIT PETITION NO. 1720 of 2014

The State of Maharashtra,
through its Secretary, General Administration
Department, Mantralaya, Mumbai-32,
and others

.. Petitioners

versus

Amol s/o Balkrishna Patil,
Aged about 31 years,
R/o. Irrigation Section, Chamorshi Road,
Gadchiroli, and others.

.. Respondents

Ms Tajwar Khan, Assistant Government Pleader for petitioners
Mr. R. L. Khapre, Senior Advocate a/b Mr. P A. Deshpande, Advocate for respondent nos. 1
to 5.

CORAM :- ANIL S. KILOR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 12th AUGUST, 2025

P. C.

Heard.

2. The State has approached this Court by filing present writ petition under Articles 226 and 227 of the Constitution of India thereby raising a challenge to the order passed by the Maharashtra Administrative Tribunal (for short, 'the Tribunal') dated 12.02.2013. By the said order, the Tribunal has quashed and set aside the orders dated 12.05.2009, 15.06.2009, 06.11.2009 issued by the petitioners directing recovery against the respondents/original applicants. This recovery was against the payment made to the respondents while working in Naxalite area towards the pay scale equivalent to immediate promotional post i.e. benefit of one step promotion.

3. The learned Tribunal considered the respondents to be eligible for such benefit on the ground that under the Government Resolution there is no restriction as regards application of such one step promotional benefit to apply it to the probationers like the applicants/respondents herein.

4. The challenge to the said finding is made on the ground that unless the probation period is completed and the employees are made permanent in service or their services are regularized, there is no question of granting benefit of one step promotion. It is argued by Ms Khan, learned Assistant Government Pleader appearing for the petitioners-State that the word 'promotion' in "one step promotion", denotes the benefit released to only such employees who have been made permanent in the service after completion of probation. It is thus argued that since the respondents were on probation, such benefit of one step promotion was wrongly extended to them by the Tribunal.

5. On the other hand, Mr. Khapre, learned Senior Counsel appearing for the respondent nos. 1 to 5, has drawn attention of this Court to the Government Resolution dated 29.02.2024 clarifying the position as regards one step promotion benefit.

6. The aforesaid GR says that since the employees receive benefits of Assured Career Progression Scheme (ACPS) on completion of first ten years of service, the employees are entitled to receive one step promotion in first ten years of service.

This makes it clear that the employees are entitled to receive such benefit from 1st day even if they are on probation.

7. In the circumstances, as the aforesaid Government Resolution has clarified the position, more particularly Clause 4(1) thereof, we are of the opinion that no interference is required in the matter as the conclusion arrived at by the Tribunal is just and proper.

8. Accordingly, the writ petition is dismissed. Pending application, if any, also stands disposed of.

Rule stands discharged with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)