



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

WRIT PETITION NO. 1560 OF 2024

Pramod Pundlikrao Landge

-Vs.-

State of Maharashtra and others

WRIT PETITION NO. 1463 OF 2024

Nilkanth Parshram Nemade

-Vs.-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

In Both Petitions.

Mr.Ved.R.Deshpande, Adv. for the petitioners.

Mr. N.R.Patil, AGP for the respondents-State.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 30TH JANUARY, 2025

WRIT PETITION No.1560 OF 2024

In the order dated 27/01/2025, the following position was recorded. (Paras-9 and 10)

“9) The next ground is that in terms of the policy as laid down in the G.R. dated 02/03/2019 since the petitioner, who was appointed on 14/11/2007 (page 78), had already completed 10 years of service on 13/11/2017, it is contended that the petitioner was eligible for the first ACP before the registration of the FIR which was registered on 14/05/2019 or initiation of the D.E., which was initiated on 22/08/2019.

10) This would in fact depend upon the cut of date for the applicability of the said GR in terms of the recommendation of the 7th Pay Commission. Learned Assistant Government Pleader, therefore to point out to us the cut of date for the completion of 10 years of employment, so as to enable an employee to claim ACP.”

2. Today, Mr.Patil, learned AGP for the respondent-State, upon instructions fairly states, that since the proposal for grant of ACP was received after lodging of the FIR against the petitioner, the same was not considered.

3. In our considered opinion, since the petitioner had already completed 10 years of service on 13/11/2017, which made him eligible for grant of first ACP and the FIR was registered on 14/05/2019, that by itself would not dis-entitle him from the benefit of the first ACP as the GR dated 02/03/2019, would not become applicable for the purpose of denying benefit of second ACP.

4. The impugned judgment dated 03/08/2023 in Original Application No.924 of 2020, which denies the benefit of the first ACP to the petitioner on account of the pendency of the FIR against the petitioner, in view of the above discussion, which has not been considered, clearly cannot be sustained and is hereby quashed and set aside. Original Application No.924 of 2020 is hereby allowed in terms of prayer clause (i), (ii) and (iii). The respondents are therefore directed to process the claim of the petitioner and grant it within a period of four weeks from today.

5. The Writ Petition No.1560 of 2024 is accordingly allowed in the above terms. No costs.

WRIT PETITION NO.1463 OF 2024

6. The petitioner, who was appointed on 01/06/1994, received the first time bound promotion on 06/06/2006, on account of he became eligible for the second time bound promotion on 01/06/2014. The promotion as a Circle Officer was granted to him in the interim on 31/03/2010 is not required to be taken into consideration. In terms of the GR dated 02/03/2009, clause (iii) and illustration II in the table at page-36, the petitioner would have been entitled for the second ACP on 01/01/2016. Even if, that date is taken into consideration, the FIR registered against the petitioner was on 23/10/2018 on account of which, what has been stated in this regard, while answering the issue in Writ Petition No.1560 of 2024, would be equally applicable, in view of which, the judgment dated 03/08/2023 in Original Application No.925 of 2020 is hereby quashed and set aside and Original Application No.925 of 2020 is allowed in terms of prayer clause (i) and (ii).

7. The Writ Petition No.1463 of 2024 is accordingly allowed in the above terms. No costs.

(ABHAY J. MANTRI,J) (AVINASH G. GHAROTE, J)