IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14144 OF 2025

Jayant Bhaidas Shirsath
VERSUS
The State Of Maharashtra Through Its Principal Secretary And Others

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- Mr. Bhandari Anand P, Advocate for the Petitioner
- Mr. K. N. Lokhande, AGP for Respondent No. 1 - State
- Mr. R. V. Gunale, Advocate h/f. Mr. V. D. Gunale, Advocate for Respondent No. 2

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CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

DATE : 19th NOVEMBER, 2026

PER COURT :

1. Heard learned advocate for the petitioner, learned AGP for respondent No. 1 and learned advocate for respondent Nos. 2 and 3 - Corporation.

2. A short question which arises for consideration in the present petition is whether the petitioner is entitled to the benefits of the Assured Career Progression Scheme (ACPS) in view of the changes in the posts held by him during his service.

3. It is the case of the petitioner that he was initially appointed as a Labourer on 23.12.1992. Thereafter, on 29.12.1992, his designation was changed to Filter Attendant. Subsequently, on 10.05.1995, he was designated as a Surveyor and, with effect from 13.05.1997, as a Planning Assistant. Since then, he has been working as a Planning Assistant.

4. It is the further case of the petitioner that although he was formally designated as a Planning Assistant on 13.05.1997, he has, in fact, been discharging the duties of the said post right from the date of his initial appointment in the year 1992. It is submitted that the petitioner has not been granted any promotion during his entire service. However, the respondent Corporation has treated the aforesaid changes in designation as promotions and, on that basis, denied him the benefits of the ACPS.

5. Learned advocate for the petitioner invites our attention to the remarks appearing in column No. 27 of the document at page No. 152 of the petition, wherein it is stated that the petitioner has already received three promotions during his service and, therefore, is not entitled to any further benefits under the ACPS.

6. Learned advocate for the petitioner submits that one Uday Madhukar Patil, who was similarly situated, had approached the Industrial Court, Jalgaon, seeking a declaration that the respondent Corporation had indulged in unfair labour practices. The said employee had claimed that although he was initially appointed to a different post, he had been discharging the duties of a Junior Engineer from the date of his initial appointment. The Industrial Court allowed his claim and the respondent Corporation extended the consequential benefits to him. It is submitted that the petitioner is

similarly situated and, therefore, his service as a Planning Assistant ought to be reckoned from the date of his initial appointment in the year 1992.

7. Learned advocate for the petitioner places reliance upon the Government Resolutions dated 20.07.2001, 01.04.2010 and 02.03.2019 governing the grant of benefits under the ACPS. He submits that the object of the Scheme is to remove stagnation and to provide incentive to the employees who have remained without promotion despite completing the prescribed period of service. According to him, the petitioner has not received any promotion in the same promotional hierarchy and is, therefore, entitled to the benefits of the Scheme. It is submitted that the Corporation has erroneously treated the changes in the posts held by the petitioner between 1992 and 1997 as promotions and denied benefits of the Scheme to the petitioner.

8. Per contra, learned advocate for the respondent Corporation opposes the petition. He submits that the petitioner was initially appointed as a Labourer and was thereafter promoted to the posts of Filter Attendant, Surveyor and Planning Assistant. Thus, according to the Corporation, the petitioner has already received three promotions during his service and, therefore, is not entitled to any further benefits under the ACPS. He accordingly justifies the action of the

Corporation in refusing to extend the benefits of the Scheme to the petitioner.

9. Learned advocate for the petitioner, however, submits that the aforesaid posts are isolated posts and do not form part of the same promotional hierarchy. It is submitted that the post of Filter Attendant is not a promotional post for a Labourer and, similarly, the post of Surveyor is not a promotional post for a Filter Attendant. Therefore, merely because the petitioner was appointed to different posts during his service, the same cannot be treated as functional promotions for the purpose of denying him the benefits of the ACPS. It is submitted that these were independent appointments and, in any event, the petitioner would be entitled to the benefits of the Scheme by reckoning his service from the date of his appointment as a Planning Assistant on 13.05.1997.

10. We have considered the rival submissions. The Government Resolution dated 20.07.2001 provides for the grant of the benefit of the ACPS upon completion of twelve years of regular service on the concerned post, provided that employees is otherwise fit and eligible to the prescribed post. The Scheme was subsequently modified by the Government Resolution dated 01.04.2010, providing for benefits upon completion of twelve and twenty-four years of service. Thereafter, by the Government Resolution dated 02.03.2019, the

Scheme was further modified to provide three benefits upon completion of ten, twenty and thirty years of service, subject to the conditions and transitional provisions prescribed therein.

11. In our view, merely because the petitioner was appointed to different posts between 1992 and 1997, it cannot by itself, be concluded that he was granted three functional promotions in the same promotional hierarchy. The petitioner has admittedly been working as a Planning Assistant with effect from 13.05.1997. Therefore, at least the service rendered by him from the said date is required to be considered for the grant of benefits under the ACPS. The denial of such benefits merely on the ground that the petitioner had received three promotions prior to his appointment as a Planning Assistant cannot be sustained.

12. Considering the aforesaid Government Resolutions, we find that the petitioner would be entitled to the first benefit under the ACPS upon completion of twelve years of regular service from 13.05.1997, i.e. with effect from 13.05.2009. He would also be entitled to subsequent benefits in accordance with the Government Resolutions dated 01.04.2010 and 02.03.2019, as applicable from time to time, subject to the eligibility conditions prescribed thereunder. For the said purpose, the petitioner's service shall be reckoned from 13.05.1997.

13. Needless to say, the aforesaid benefits shall be extended for the purpose of fixation of salary, pension and other consequential benefits. However, actual monetary benefits shall be restricted to the period of three years preceding the date of filing of the writ petition, i.e. from 13.10.2025.

14. The writ petition is accordingly allowed. The respondents shall take necessary steps to grant the benefits in terms of this order and complete the exercise within six months from today.

15. The writ petition stands disposed of accordingly.

[JITENDRA JAIN, J.] **[KISHORE C. SANT, J.]**