



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

WRIT PETITION No.4101 OF 2024

Ramesh S/o Vitthal Pimple,
Aged about 61 years,
Occupation - Retired Gram Sevak,
Zilla Parishad, Nagpur,
R/o. Gedam Layout, Plot No.63,
I.C. Chowk, MIDC Hingna Road,
Nagpur-440 016. : PETITIONER

...VERSUS...

1. The State of Maharashtra,
through its Secretary,
Finance Department,
Mantralaya, Mumbai – 32.
2. The Chief Executive Officer,
Zilla Parishad, Nagpur, Dist. Nagpur.
3. The Deputy Chief Executive Officer,
(Gram Panchayat), Zilla Parishad,
Nagpur. Tahsil and District Nagpur. : RESPONDENTS

Mr. A.D. Dangore, Advocate for Petitioner.
Mrs. D.I. Charlewar, Assistant Government Pleader for Respondent
No.1.
Mr. G.G. Mishra, Advocate for Respondent Nos.2 and 3.

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.
RESERVED ON : 10th APRIL, 2026.
PRONOUNCED ON : 24th APRIL, 2026.

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned counsels appearing for the parties.

2. By the present petition, the petitioner seeks to challenge the communication dated 21.12.2023, issued by respondent No.3, Deputy Chief Executive Officer (Gram Panchayat), Zilla Parishad, Nagpur (hereinafter referred to as the "Deputy CEO"). By the said order, the Deputy CEO has rejected the claim of the petitioner concerning the grant of third benefits of the Assured Progressive Scheme to him on completion of 30 years of service. The petitioner further seeks an appropriate direction to the respondents for grant of the same.

3. The facts emerging from the present petition are as follows :

(a) The petitioner was initially appointed as a Gram Sevak on 17.10.1985 at Gram Panchayat Tishti, Tahsil Kamptee, District Nagpur, under the administrative control of the respondents. The petitioner completed his service with the respondents and opted for voluntary retirement with effect from 31.12.2016. Thus, the petitioner has put in a total period of service of 31 years, 2 months, and 14 days.

(b) The Government of Maharashtra introduced the

Assured Progressive Career Scheme (hereinafter referred to as the “Scheme”) with the object of granting financial upgradation to employees who do not receive timely promotions. Under the recommendations of the 6th Pay Commission, the benefits under the said scheme were to be granted in two stages, i.e., on completion of 12 years and 24 years of continuous service. The petitioner completed 12 years of service on 17.10.1997 and thus became entitled to the first financial upgradation. However, the said benefit was actually granted to him only on 17.10.1999, after an inordinate delay of 1 year, 10 months, and 15 days.

(c) It is further the case of the petitioner that the second benefit under the scheme became due upon completion of 24 years of service on 17.10.2009. However, the same was granted to the petitioner on 02.01.2012.

(d) Subsequently, pursuant to the recommendations of the 7th Pay Commission, the scheme was revised, and a provision was made for three financial upgradations on completion of 10, 20, and 30 years of service. The Government of Maharashtra issued a Resolution dated 02.03.2019, making the revised scheme applicable with effect from 01.01.2016. The petitioner submits that he had already completed 30 years of service on 17.10.2015 and was in

service as on 01.01.2016. Therefore, he became entitled to the third financial upgradation under the revised scheme from 01.01.2016. However, the benefit was not extended to him.

(e) After the retirement of the petitioner, he submitted a representation on 27.10.2020 to respondent No.2, Chief Executive Officer, Zilla Parishad, Nagpur (hereinafter referred to as the “CEO”), seeking grant of the third benefit under the Scheme. The said representation was followed by several reminders, namely representations dated 07.12.2020, 04.02.2021, 30.01.2023, and 30.11.2023. The request of the petitioner was taken into consideration on 14.12.2021 by respondent No. 3, Deputy Chief Executive Officer, who informed the Block Development Officer, Ramtek, to enquire into the matter and, if the petitioner was found entitled to such benefits, then to forward such proposal to respondent No. 3 within three days. However, no action was taken by the Block Development Officer or by Respondent No. 2 Chief Executive Officer and respondent No.3 (Deputy Chief Executive Officer).

(f) Being aggrieved by such inaction, the petitioner approached the Lokayukta on 03.12.2022, wherein the office of the Lokayukta called upon respondent No.3, the Deputy Chief Executive

Officer, to respond to the complaint made by the petitioner. In accordance therewith, a report was called for from the Block Development Officer, Ramtek, and in pursuance of the said report, the Deputy Chief Executive Officer stated that the petitioner is not entitled to the benefits of the Scheme, as the benefit arising after 12 years of service had already been granted to the petitioner on 01.09.1999 and the benefit of the scheme after completion of 24 years had been granted to him on 02.01.2012. The petitioner was due for the third benefit; however, he opted for voluntary retirement with effect from 31.12.2016 and thus forfeited his entitlement to the third benefit.

(g) Additionally, the Lokayukta, vide communication dated 11.12.2023, declined to adjudicate the issue on the ground that it pertains to service conditions and that the petitioner should approach the competent authority for the same.

(h) Aggrieved by the aforesaid, the petitioner has approached this Court, seeking a direction to declare that the petitioner is entitled to the third benefit of the Scheme and that the same be released to him with effect from 01.01.2016.

4. We have heard Mr. A.D. Dangore, learned counsel for the petitioner; Mrs. D.I. Charlewar, learned Assistant Government

Pleader for the respondent No.1 and Mr. G.G. Mishra, learned counsel for respondent Nos.2 and 3.

5. Learned counsel for the petitioner submits that the petitioner joined service on 17.10.1985 and, therefore, he was entitled to the first benefit of the Scheme on 17.10.1997. Similarly, the second benefit was to be made applicable on 17.10.2009, i.e., after completion of 24 years of service.

6. Moreover, in view of the recommendations of the 7th Pay Commission, he would be entitled to the third benefit of the Scheme on 17.10.2015, i.e., after completion of 30 years of service, as the said benefits were made applicable to the employees of the State Government with effect from 01.01.2016. The learned counsel submits that the petitioner opted for voluntary retirement on 31.12.2016 and was very much in service on 01.01.2016, and is thus entitled to such benefits.

7. Per contra, the learned counsel for respondent Nos.2 and 3 submits that in accordance with the scheme framed by Government Resolution dated 02.03.2019, the employees who received the first or second benefit under the scheme before 31.12.2015 and retired on or after 01.01.2016 are entitled to receive such benefits only upon completion of 6 or 8 years of service

from the date of such upgradation before their retirement.

8. Learned counsel for the respondent Nos.2 and 3 further submits that the petitioner received his second benefit on 02.01.2012 and retired from service on 31.12.2016, and as such, has not completed 6 years of service from the date of the second upgradation to be entitled to the third benefit.

9. Learned counsel for respondent Nos.2 and 3, therefore, submits that the present petition is liable to be dismissed on the aforementioned grounds.

10. The rival contentions fall for our consideration. As a matter of fact, the factual aspect regarding the appointment of the petitioner and the retirement on 31st December, 2016 is not disputed. It is also a matter of record that the petitioner has put in total 31 years, 2 months and 14 days of service with the respondent. Thus, the petitioner having been appointed on 17.10.1985 completed 12 years of service and was entitled to get first benefit with effect from 17.10.1997. However, the same was applicable to the petitioner on 17.10.1999. Likewise, the second benefit was due on 17.10.2009, but the same was granted to the petitioner on 02.01.2012. Bare perusal of the Government Resolution dated 2nd March, 2019 would reveal that it spells out the

modality about the Assured Career Progressive Scheme for three benefits. The reliance placed by the petitioner is on clause (vii) of the said Government Resolution. As per the said clause, the employees, who have completed 12 or 24 years of service, and those who have been granted first and second benefit, they are entitled for third benefit after the completion of 30 years of service. Here in the present case, the petitioner has completed total 31 years of service. It is, therefore, rightly contended by him that he is entitled for the said benefit. Furthermore, Clause (x) amplifies the position and states that those employees, who have been granted benefit before 01.01.2016, they should be granted third installment of the benefit with effect from 01.01.2016 as per their eligibility.

11. The reliance placed by the respondent on Clause (xiv) is entirely misconceived. The said clause contemplates that the employees, who have retired on or before 01.01.2016 are not entitled for the third benefit. Here in the present case, admittedly, the petitioner has retired on 31.12.2016 and, therefore, this clause is not applicable. Thus, a meaningful reading of the entire clauses of the said Government Resolution, which is a policy for payment of benefits, will reveal that the petitioner is entitled for the third benefit.

12. Perusal of the impugned communication would show that the date of appointment and date of retirement are correctly described in the said communication. However, the date of availing the first benefit is shown to be 01.09.1999 and the second benefit is shown to be from 02.01.2012. The said dates denote the dates of said benefits being actually paid to the petitioner, but the impugned communication loses sight of the fact that the said benefits were due from 17.10.1997 and 17.10.2009 respectively. Thus, only because the first and second benefit have been paid belatedly, that would not absolve the respondents from their duty to pay the third benefit if the petitioner is otherwise eligible for availing the same. Thus, the reason in the impugned communication that the petitioner is not entitled for the third benefit since he has not completed 30 years of service is entirely misplaced. What is relevant is the date when the benefit became due and not the date when it is actually paid. By taking into consideration the date when the benefit, i.e. the first and second benefit became due, it is amply clear that the petitioner completed 30 years of service before his retirement on 31st December, 2016.

13. In that view of the matter, the impugned communication dated 21.12.2013 cannot be sustained. We,

therefore, pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The communication dated 21.12.2023 issued by the respondent No.3, Deputy Chief Executive Officer (Gram Panchayat), Zilla Parishad, Nagpur, is quashed and set aside.
- (iii) It is further held and declared that the petitioner is entitled to the benefit of third Assured Progressive Career Scheme and the respondents i.e. Chief Executive Officer, Zilla Parishad, Nagpur and the Deputy Chief Executive Officer (Gram Panchayat), Zilla Parishad, Nagpur are directed to release the same in his favour with effect from 01.01.2016 within six weeks from the date of this order.
- (iv) Writ Petition is disposed of.
- (v) Rule is made absolute in above terms. No order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)