

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO 225 OF 2022**

**DISTRICT : PUNE**

Shri Navnath V. Jadhav & Ors           )...**Applicants**  
**Versus**  
The State of Maharashtra &           )...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicants.

Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

**CORAM                   : Justice Mridula Bhatkar (Chairperson)**

**DATE                     : 11.03.2022**


**ORDER**

1. The applicants Police Head Constables/Assistant Sub Inspectors, who aspire for the promotion to the post of Police Sub-Inspector/Platoon Commanders in the State Reserve Police Force, challenge the Clause nos 13 and 16 in the Circular dated 4.2.2022.

2. At this stage Clause no. 13 is only considered and not Clause no. 16. As per Clause 13 of this Circular, the Police Head Constables who want to appear for the Qualifying Examination for the post of Police Sub Inspectors are required to complete the course of District Drill Inspector and if a Police Head Constable, who has not cleared the course in District Drill Inspector is not eligible to appear for the examination. As per Clause 13, the details of the completion of the course of District Drill Inspector are also to be furnished to the authority while filling up the Application Form for the said examination.

3. Learned counsel for the applicants submitted that the applicants have not cleared the course of District Drill Inspectors. They have requested the authorities to allow them to appear for the said examination. However, by letter dated 2.3.2022, the applicants were informed that unless you complete course of District Drill Inspector the Police Personnel is not considered as eligible to appear for the qualifying examination for the post of Platoon Commanders and Police Sub Inspectors.

4. Learned counsel for the applicants submitted that this condition no. 13 in the Circular is contrary to Rule 56 of the Bombay State Reserve Police Force Act, 1951. (hereinafter referred as the said Rules for brevity") This condition No. 13 of completing the course of District Drill Inspector is not required. It only states about the fitness and passing the qualifying examination. Learned counsel for the applicants pointed out that in the year 2013 and 2017 such examinations were conducted and the Respondent-authorities have specifically given concessions to the candidates who were similarly situated as the present applicants by giving them time of one year to complete the course of District Drill Inspector and allowed them to appear for the examination without disturbing the seniority. Learned counsel for the applicants submitted that Clause no. 13 of the impugned Circular has closed the doors for the applicants for appearing in the qualifying examination if the course of District Drill Inspector is not completed by the applicants or the other Police Personnels like the applicants. There is no provisions under Rule 56 (hereinafter referred as the said Bombay State Reserve Police Force Act, 1951, for brevity) of the said Rules. Therefore, such contrary provisions of Clause 13 should go and the applicants be allowed to appear for the examination, which is scheduled on Monday, i.e. 14.3.2022.



5. Learned P.O, on instructions from Shri Nitin Wakekar, Head Clerk in the office of the Additional Director General of Police, (Training), submits that the Circular was issued on 4.2.2022. The last date of submissions of the Form was 28.2.2022. The applicants have approached this Tribunal late and the examination is going to be conducted on 14.3.2022. Learned P.O further submitted that the Respondent-Department has found it necessary for the Police Head Constables / Assistant Sub Inspectors from the Reserve Police Force to complete the course of District Drill Inspector if they want to become Police Sub Inspectors. Accordingly, the proposal was sent by the office of the Director General of Police in the year 1991 and the Government approved it in the year 1998. Now the Department has sent the Draft Amended Rules 56 and 57 (hereinafter referred as the said Bombay State Reserve Police Force Act, 1951, for brevity) of the said Rules along with the qualifying examination, for fitness the requirement of completing the course of District Drill Inspector is also included as requisite condition on 28.8.2021. So it will take some time. However, learned P.O, fairly admits that at the time of Examination of the year 2013 and 2017 concession of one year to complete the course of District Drill Inspector was given to all the Police Head Constables and Assistant Sub Inspector who appeared for the examination.

6. Rules 56 & 57 (hereinafter referred as the said Bombay State Reserve Police Force Act, 1951, for brevity) of the said Rules, is reproduced below:-

“56. Promotion to the rank of Assistant Station Commanders (Naiks), Section Commanders (Havildars), Platoon Commanders (Jamadars) and Company Commanders (Sub-Inspectors) shall be made from amongst those who are fit and have passed the qualifying examinations. In judging the fitness for promotion the candidate's record of service, character and ability to command the unit, of which he is going to be in charge shall be taken into consideration.



“57. The details regarding the rank of candidates who can appear for various qualifying examination and the personnel of the Examination Board are given below:-

Sr No	Rank of examinee	Examination for promotion to the rank of-	Personnel of the Board of Examiners
3.	Selection Commanders with a minimum of two years' service and Havildar Majors	Platoon Commanders (Jamadars)	Commandant assisted by an Assistant Commandant and an office not below the rank of Police Inspector.

7. Similarly, Condition No. 13 of the Circular dated 26.11.2013 of the said Examination is reproduced below:-

“१३. सदर अर्हता परीक्षेत बसण्यासाठी उमेदवारोन् कवायत निदेशकांचा (D.D.I.) पाठयक्रम पुर्ण करणे अनिवार्य राहिल. ज्या उमेदवारांनी सदरचा अभ्यासक्रम पुर्ण केला नाही त्या उमेदवारांना कवायत निदेशक पाठयक्रम त्यांची निवड झाल्यानंतर १ वर्षाच्या आत पुर्ण करणे बंधनकारक राहिल. कवायत निदेशकाचा पाठयक्रम पुर्ण केल्याशिवाय त्यांना उप निरीक्षक पदावर नियमित पदोन्नती दिली जाणार नाही. सदरच्या अटीचा त्यांच्या सेवाज्येष्ठतेवर कोणताही परीणाम होणार नाही”.

The said Condition no. 13 of the 2013 Examination was similarly adopted for the 2017 Examination.

8. The Respondents to take note that there is no amendment in the Rules 56 & 57 (hereinafter referred as the said Bombay State Reserve Police Force Act, 1951, for brevity) of the said Rules, which states that for the promotion to the post of Police Sub Inspector a person from the feeder cadre is to be fit and should pass the qualifying examination. The Government now has sent proposal of amendment in the relevant Rules of introducing one more condition that the candidate should have completed the course of District Drill Inspector. The Government can introduce any condition in the Recruitment Rules, whichever is appropriate like

condition of District Drill Inspector. However, it is necessary to conduct the examination as per the prescribed rules as on today exists. If at all, it is found that the completion of District Drill Inspectors course is essential and add quality in the performance of a Police Sub Inspector then the completion of that course can also be made compulsory. However, the time is required to be given like Clause 13 of the Circular of 2013. Thus, the Government has also adopted a policy of giving concession to those candidates without disturbing their seniority and gave them time of one year to complete the District Drill Inspector. Such clause 13 in the year 2013 examination, in absence of requisite amendment in Rules 56 and 57 of the said Rules appears to be very fair.

9. In view of the above the interim relief in terms of clause 9(a) is granted. It is suggested to the Department that the candidates who are similarly situated like the applicants should also be given the benefits of concession for the Examination which is scheduled on Monday, 14.3.2022. Learned P.O is directed to send copy of the order to the office of the Director General of Police before 3.00 pm and to all the concerned authorities.

10. Respondents are directed to file affidavit in reply.

11. S.O to 7.4.2022.

Sd/-

**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 11.03.2022**  
**Dictation taken by : A.K. Nair.**

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>11.03.2022</u></b></p> <p style="text-align: center;"><b><u>O.A 21/2021</u></b></p> <p>Shri S.S Mali &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri S.D Patil, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Today the matter is on Board and it is adjourned to 25.4.2022, as the pleadings are completed and matter is required to be admitted. However, the learned counsel for the applicants Mr Patil today pointed out that the Division Bench of the Hon'ble Bombay High Court by order dated 22.12.2021 has directed the Tribunal to decide the matter as early as possible.</p> <p>3. The record shows that the order of the Hon'ble High Court was received by our office on 1.2.2022. Unfortunately, the order was not placed before me. Similarly, learned counsel for the applicants admitted that he has also not placed the order of the Hon'ble High Court before me on 13.1.2022, when the matter was admitted.</p> <p>4. On 13.1.2022, learned counsel Mr A.S Pawar was present. Affidavit in rejoinder was filed by the applicant and it was taken on record. Learned counsel for the applicant Mr S.D Patil submitted that when the affidavit in rejoinder was filed on 13.1.2022, copy of the order dated 22.12.2021 of the Hon'ble High Court was annexed. However, he did not specifically inform that the Hon'ble High Court has directed to expedite the matter.</p> <p>5. Under such circumstances, the matter was admitted on 13.1.2022. Thereafter, learned counsel for the applicants has not approached the Tribunal. Learned counsel for the applicants informs that after 13.1.2022 as the matter is fixed after 8 weeks, he is before the Tribunal and has mentioned about the order.</p> <p>6. Hence, we keep this matter for final hearing on 24.3.2022.</p> <p style="text-align: right;">Sd/-  (Mridula Bhatkar, J.) Chairperson</p>

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<p style="text-align: center;"><u>11.03.2022</u></p> <p style="text-align: center;"><u>O.A 210/2022</u></p> <p>Shri D.T Devkar ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri Hamid D. Mulla, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Issue notice before admission made returnable on 24.3.2022.</p> <p>3. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>4. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>5. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week before returnable date or on the same date. Applicant is directed to file affidavit of compliance and notice.</p> <p>6. Respondents are directed to decide the representation dated 20.12.2021 made by the applicant within two weeks.</p> <p>7. S.O to 24.3.2022.</p>	<p style="text-align: right;">Sd/-</p> <p style="text-align: right;">/</p> <p style="text-align: right;"><b>(Mridula Bhatkar, J.) Chairperson</b></p> <p style="text-align: left;">Akn</p>

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	<p>Date : 11.03.2022</p> <p style="text-align: center;">O.A.No.194 of 2022</p> <p>S. A. Shinde <span style="float: right;">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float: right;">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</li> <li>2. Learned P.O. has filed short affidavit of Under Secretary, Food and Supply Department in terms of order passed by this Tribunal on 02.03.2022. It is taken on record.</li> <li>3. Insofar as Affidavit in Reply is concerned, on request of learned P.O., one week time is granted to file the same.</li> <li>4. S.O. to 21.03.2022.</li> </ol> <p style="text-align: right; margin-top: 20px;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>



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	<p>Date: 11.03.2022</p> <p align="center">O.A. No.761 of 2020</p> <p>D.R. Nalwad .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri D.B. Khaire, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. When the matter is taken up for Final Hearing, at the very outset learned P.O. has raised the issue of limitation which is also raised in Affidavit-in-Reply.</p> <p>3. The Applicant is serving as Junior Engineer, he was promoted to the post of Jr. Engineer by order dated 02.03.2015. However, he is claiming Deemed Date of Promotion in the cadre of Jr. Engineer from 01.02.1992 i.e. the date of passing examination which was requisite eligibility criteria for further promotion. As such, according to him he ought to have been promoted w.e.f. 01.02.1992 since he passed examination on 01.02.1992. He joined services as Technical Assistant in 1984. After regular promotion by order dated 02.03.2015 to the post of Jr. Engineer he made representation on 07.08.2015 claiming Deemed Date of Promotion w.e.f. 01.02.1992. However, his representation was not responded, thereafter he filed O.A. No.27/2019 seeking Deemed Date of Promotion but withdrew the O.A. with liberty to file afresh O.A. The Applicant then filed the present O.A. on 15.12.2020.</p> <p>4. In view of above, before going to the merit of the case it is necessary to see whether the O.A. is filed within limitation.</p> <p>5. The Applicant as stated above was promoted to the post of Jr. Engineer on 02.03.2015, and thereafter made representation on 07.08.2015 for claiming Deemed Date of Promotion from 01.02.1992. This being the position he ought to have been filed O.A. within period of [P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>limitation as contemplated under Section 20 read with Section 21 of the Administrative Tribunal Act, 1985. As per Section 20 of the Administrative Tribunal Act, 1985 Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressed grievances. Whereas, as per Section 21 of the Administrative Tribunal Act, 1985, A Tribunal shall not admit an application in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of Section 20 has been made and a period of six months had expired thereafter without such final order having been made within one year from the date of expiry of the said period of six months. In other words O.A. ought to have been filed within one years and six months from the date of representation.</p> <p>6. In present case representation admittedly was made on 07.08.2015, whereas this O.A. is filed on 15.12.2020. As such, out rightly it is barred by limitation. No M.A. is filed for Condonation of Delay.</p> <p>7. It is well settled legal position that mere filing of representation will not extend the period of limitation nor it will give afresh cause of action to the Applicant.</p> <p>8. Shri D.B. Khaire, learned Advocate for the Applicant sought to contend that it is a case of continuous cause of action, and therefore O.A. cannot be said barred by limitation. Insofar as this aspect is concerned there is no such pleading for continuous cause of action and secondly no M.A. is filed to that effect. Apart, the question of continuous cause of action can arise in a case where right to relief is established and there is recurring or continuous cause of action.</p> <p>9. Aforesaid discussion leads me to sum up that the Applicant has slept over his right for years together and O.A. is barred by limitation. O.A. is therefore dismissed on the point of limitation.</p> <p>10. O.A. is accordingly dismissed with no order as to costs.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 11.03.2022</p> <p>O.A. No.987 of 2021</p> <p>B.A. Yadav .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri R.L. Kulkarni, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 25.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 11.03.2022</p> <p style="text-align: center;">O.A. No.784 of 2021</p> <p>D.T. Chavan .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Enough chance is granted to file Affidavit-in-Reply but the same is not filed. Hence, I am not inclined to grant further time.</p> <p>3. O.A. be kept for Final Hearing without Reply.</p> <p>4. S.O. to 31.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: center;">NMN</p>

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	<p>Date: 11.03.2022</p> <p>O.A. No.106 of 2022</p> <p>B.M. Bichkule .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri D.K. Chavan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply by way of most last chance with specific direction that no further time will be granted.</p> <p>3. S.O. to 28.03.2022.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 11.03.2022</p> <p>M.A. No.16 of 2022 in O.A. No.384 of 2021 with M.A. No.17 of 2022 in O.A. No.435 of 2021 with M.A. No.18 of 2022 in M.A. No.231 of 2021 in O.A. No.442 of 2021 with M.A. No.19 of 2022 in M.A. No.233 of 2021 in O.A. No.443 of 2021 with M.A. No.20 of 2022 in M.A. No.234 of 2021 in O.A. No.444 of 2021 with M.A. No.550 of 2021 in O.A. No.387 of 2021</p> <p>S.S. More S.S. Raorane Mrs.S.V. Kelkar &amp; Ors Smt.S.S. Nilwan &amp; Ors Smt. S.M. Khedkar &amp; Ors. R.H. Borkar .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. K.S. Gaikwad along with Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply as last chance.</p> <p>3. S.O. to 21.03.2022.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 11.03.2022</p> <p>M.A. No.513 of 2021 in O.A. No.383 of 2021 with M.A. No.514 of 2021 in O.A. No.385 of 2021 with M.A. No.515 of 2021 in M.A. No.207 of 2021 in O.A. No.393 of 2021 with M.A. No.516 of 2021 in O.A. No.434 of 2021 with M.A. No.517 of 2021 in M.A. No.229 of 2021 in O.A. No.440 of 2021 with M.A. No.518 of 2021 in M.A. No.230 of 2021 in O.A. No.441 of 2021 with M.A. No.519 of 2021 in M.A. No.235 of 2021 in O.A. No.445 of 2021 with M.A. No.520 of 2021 in M.A. No.236 of 2021 in O.A. No.446 of 2021 with M.A. No.545 of 2021 in M.A. No.205 of 2021 in O.A. No.391 of 2021 with M.A. No.546 of 2021 in O.A. No.386 of 2021 with M.A. No.497 of 2021 in O.A. No.388 of 2021 with M.A. No.498 of 2021 in O.A. No.389 of 2021 with M.A. No.499 of 2021 in O.A. No.390 of 2021</p> <p>G.J. Mhatre G.V. Sawant R.D. Sawant &amp; Ors. M.L. Langi N.N. Kadam &amp; Ors. V.B. Chafekar &amp; Ors. S.N. Rane &amp; Ors. S.S. Salunkhe &amp; Ors. S.S. Dixit &amp; Ors. S.S. Manjrekar A.B. Kohtekar &amp; Ors. A.C. Mantri D.M. Vishwasrao .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant, Smt. K.S. Gaikwad, Smt. Archana B.K. and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to file Affidavit-in-Reply as last chance.</p> <p>3. S.O. to 21.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 11.03.2022</p> <p align="center"><b>M.A. No.29 of 2020 in O.A. No.1125 of 2019</b></p> <p><b>S.L. Lolge</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents.</p> <p>1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. At the very outset learned P.O. submits that in view of change in assignment of matters to Single Bench and Division Bench, now the O.A. pertains to Division Bench, and therefore matter should be heard by Division Bench.</p> <p>3. Learned Advocate for the Applicant has no objection for hearing the matter by Division Bench in terms of change of assignment.</p> <p>4. In view of above, I/C. Registrar is directed to place before Division Bench.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member (J)</p> <p>NMN</p>



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	<p>Date: 11.03.2022</p> <p style="text-align: center;">O.A. No.1013 of 2021</p> <p>R.V. Garje .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <ol style="list-style-type: none"> <li>1. Applicant and his Advocate both are absent.</li> <li>2. Smt. Archana B.K., learned Presenting Officer for the Respondents is present.</li> <li>3. Learned P.O. submits that Affidavit-in-Reply is under preparation and the same will be filed till Monday. Statement is accepted. It be filed in the Office along with copy to other side.</li> <li>4. O.A. be kept for hearing at the stage of admission.</li> <li>5. S.O. to 04.04.2022.</li> </ol> <p style="text-align: right; margin-right: 50px;">Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: center; margin-top: 20px;">NMN</p>

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	<p>Date: 11.03.2022</p> <p>O.A. No.490 of 2021</p> <p>G.K. Patil .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record.</p> <p>3. S.O. to 01.04.2022.</p> <p>Sd/- vv (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

## FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 11.03.2022</p> <p style="text-align: center;">O.A. No.1184 of 2019</p> <p>D.J. Sonawane .....Applicant Versus The State of Maharashtra &amp; Ors. ....Respondents.</p> <p>1. Heard Shri D.J. Sonawane, Applicant in person and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant again requested for adjournment stating that his Advocate is not available. Already enough chances are granted. However, in the interest of justice one week time is granted as most last chance, otherwise matter will be dismissed in default.</p> <p>3. S.O. to 25.03.2022.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p style="text-align: center;">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 11.03.2022</p> <p align="center">O.A.No.103 of 2021</p> <p>R. M. Sathe <span style="float:right">...Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri Deepak Lad holding for Shri V. P. Sangvikar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Counsel for the Applicant states that Shri V. P. Sangvikar, learned Advocate has gone to native place, and therefore, today he is unable to remain present before the Tribunal and requested for short time.</p> <p>3. The matter is adjourned to 30.03.2022 as a last chance.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No.

of 20

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Original Application No.

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**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 11.03.2022</p> <p align="center">O.A.No.597 of 2020</p> <p>R. D. Ghane <span style="float:right">....Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant admittedly stands retired from the post of Executive Engineer. However, her grivance is that she was entitled to promotion on the post of Superintendent Engineer which is equal to District Soil Water Conservation Officers. One Shri S. N. Doiphode was promoted on the post of Superintendent Engineer w.e.f. 13.07.2017. The Applicant stands retired on 31.10.2020 and has filed this O.A. before retirement.</p> <p>3. Learned P.O. pointed out that the matter pertains to Division Bench.</p> <p>4. Thus, admittedly the Applicant stands retired from the post of Executive Engineer but she is claiming promotion with retrospective effec. As such, this is not a case of belated promotion and then asking for deemed date of promotion.</p> <p>5. O.A. is, therefore, requires to place before the Division Bench.</p> <p>6. Registrar is directed to take necessary steps.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

[P.T.O.]

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. \_\_\_\_\_ of 20\_\_\_\_

I N

Original Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>11.03.2022</u></b></p> <p align="center"><b><u>M.A 137/2022 in O.A 225/2022</u></b></p> <p>Shri N.V Jadhav &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The Misc Application to sue jointly is allowed, subject to payment of Court fees, if not already paid.</p> <p align="right">Sd/-</p> <p align="right">/ (Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 225 OF 2022**

**DISTRICT : PUNE**

Shri Navnath V. Jadhav & Ors           )...**Applicants**

**Versus**

The State of Maharashtra &           )...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicants.

Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

**CORAM                   : Justice Mridula Bhatkar (Chairperson)**

**DATE                    : 11.03.2022**

**ORDER**


1. The applicants Police Head Constables/Assistant Sub Inspectors, who aspire for the promotion to the post of Police Sub-Inspector/Platoon Commanders in the State Reserve Police Force, challenge the Clause nos 13 and 16 in the Circular dated 4.2.2022.

2. At this stage Clause no. 13 is only considered and not Clause no. 16. As per Clause 13 of this Circular, the Police Head Constables who want to appear for the Qualifying Examination for the post of Police Sub Inspectors are required to complete the course of District Drill Inspector and if a Police Head Constable, who has not cleared the course in District Drill Inspector is not eligible to appear for the examination. As per Clause 13, the details of the completion of the course of District Drill Inspector are also to be furnished to the authority while filling up the Application Form for the said examination.

✓

3. Learned counsel for the applicants submitted that the applicants have not cleared the course of District Drill Inspectors. They have requested the authorities to allow them to appear for the said examination. However, by letter dated 2.3.2022, the applicants were informed that unless you complete course of District Drill Inspector the Police Personnel is not considered as eligible to appear for the qualifying examination for the post of Platoon Commanders and Police Sub Inspectors.

4. Learned counsel for the applicants submitted that this condition no. 13 in the Circular is contrary to Rule 56 of the Bombay State Reserve Police Force Act, 1951. (hereinafter referred as the said Rules for brevity") This condition No. 13 of completing the course of District Drill Inspector is not required. It only states about the fitness and passing the qualifying examination. Learned counsel for the applicants pointed out that in the year 2013 and 2017 such examinations were conducted and the Respondent-authorities have specifically given concessions to the candidates who were similarly situated as the present applicants by giving them time of one year to complete the course of District Drill Inspector and allowed them to appear for the examination without disturbing the seniority. Learned counsel for the applicants submitted that Clause no. 13 of the impugned Circular has closed the doors for the applicants for appearing in the qualifying examination if the course of District Drill Inspector is not completed by the applicants or the other Police Personnels like the applicants. There is no provisions under Rule 56 (hereinafter referred as the said Bombay State Reserve Police Force Act, 1951, for brevity) of the said Rules. Therefore, such contrary provisions of Clause 13 should go and the applicants be allowed to appear for the examination, which is scheduled on Monday, i.e. 14.3.2022.





5. Learned P.O, on instructions from Shri Nitin Wakekar, Head Clerk in the office of the Additional Director General of Police, (Training), submits that the Circular was issued on 4.2.2022. The last date of submissions of the Form was 28.2.2022. The applicants have approached this Tribunal late and the examination is going to be conducted on 14.3.2022. Learned P.O further submitted that the Respondent-Department has found it necessary for the Police Head Constables / Assistant Sub Inspectors from the Reserve Police Force to complete the course of District Drill Inspector if they want to become Police Sub Inspectors. Accordingly, the proposal was sent by the office of the Director General of Police in the year 1991 and the Government approved it in the year 1998. Now the Department has sent the Draft Amended Rules 56 and 57 (hereinafter referred as the said Bombay State Reserve Police Force Act, 1951, for brevity) of the said Rules along with the qualifying examination, for fitness the requirement of completing the course of District Drill Inspector is also included as requisite condition on 28.8.2021. So it will take some time. However, learned P.O, fairly admits that at the time of Examination of the year 2013 and 2017 concession of one year to complete the course of District Drill Inspector was given to all the Police Head Constables and Assistant Sub Inspector who appeared for the examination.

✓  
6. Rules 56 & 57 (hereinafter referred as the said Bombay State Reserve Police Force Act, 1951, for brevity) of the said Rules, is reproduced below:-

“56. Promotion to the rank of Assistant Station Commanders (Naiks), Section Commanders (Havildars), Platoon Commanders (Jamadars) and Company Commanders (Sub-Inspectors) shall be made from amongst those who are fit and have passed the qualifying examinations. In judging the fitness for promotion the candidate's record of service, character and ability to command the unit, of which he is going to be in charge shall be taken into consideration.

“57. The details regarding the rank of candidates who can appear for various qualifying examination and the personnel of the Examination Board are given below:-

Sr No	Rank of examinee	Examination for promotion to the rank of-	Personnel of the Board of Examiners
3.	Selection Commanders with a minimum of two years' service and Havildar Majors	Platoon Commanders (Jamadars)	Commandant assisted by an Assistant Commandant and an office not below the rank of Police Inspector.

7. Similarly, Condition No. 13 of the Circular dated 26.11.2013 of the said Examination is reproduced below:-

“१३. सदर अर्हता परीक्षेत बसण्यासाठी उमेदवारोन कवायत निदेशकांचा (D.D.I.) पाठयक्रम पूर्ण करणे अनिवार्य राहिल. ज्या उमेदवारांनी सदरचा अभ्यासक्रम पूर्ण केला नाही त्या उमेदवारांना कवायत निदेशक पाठयक्रम त्यांची निवड झाल्यानंतर १ वर्षांच्या आत पूर्ण करणे बंधनकारक राहिल. कवायत निदेशकाचा पाठयक्रम पूर्ण केल्याशिवाय त्यांना उप निरीक्षक पदावर नियमित पदोन्नती दिली जाणार नाही. सदरच्या अटीचा त्यांच्या सेवाज्येष्ठतेवर कोणताही परीणाम होणार नाही”.

The said Condition no. 13 of the 2013 Examination was similarly adopted for the 2017 Examination.

8. The Respondents to take note that there is no amendment in the Rules 56 & 57 (hereinafter referred as the said Bombay State Reserve Police Force Act, 1951, for brevity) of the said Rules, which states that for the promotion to the post of Police Sub Inspector a person from the feeder cadre is to be fit and should pass the qualifying examination. The Government now has sent proposal of amendment in the relevant Rules of introducing one more condition that the candidate should have completed the course of District Drill Inspector. The Government can introduce any condition in the Recruitment Rules, whichever is appropriate like

condition of District Drill Inspector. However, it is necessary to conduct the examination as per the prescribed rules as on today exists. If at all, it is found that the completion of District Drill Inspectors course is essential and add quality in the performance of a Police Sub Inspector then the completion of that course can also be made compulsory. However, the time is required to be given like Clause 13 of the Circular of 2013. Thus, the Government has also adopted a policy of giving concession to those candidates without disturbing their seniority and gave them time of one year to complete the District Drill Inspector. Such clause 13 in the year 2013 examination, in absence of requisite amendment in Rules 56 and 57 of the said Rules appears to be very fair.

9. In view of the above the interim relief in terms of clause 9(a) is granted. It is suggested to the Department that the candidates who are similarly situated like the applicants should also be given the benefits of concession for the Examination which is scheduled on Monday, 14.3.2022. Learned P.O is directed to send copy of the order to the office of the Director General of Police before 3.00 pm and to all the concerned authorities.

10. Respondents are directed to file affidavit in reply.

11. S.O to 7.4.2022.

Sd/-

/  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 11.03.2022**  
**Dictation taken by : A.K. Nair.**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. \_\_\_\_\_ of 20\_\_\_\_

I N

Original Application No. \_\_\_\_\_ of 20\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 11.03.2022</p> <p align="center">C. A. No.56 of 2021 in O.A.No.990 of 2019</p> <p>K.N. Gawade <span style="float:right">...Applicant</span></p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. <span style="float:right">...Respondents.</span></p> <ol style="list-style-type: none"> <li>1. Heard Shri M.B. Kadam, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</li> <li>2. Learned P.O. informs that the Respondents by communication dated 10.03.2022 requested for three weeks time to comply with the order.</li> <li>3. Three weeks time granted.</li> <li>4. S.O. to 01.04.2022.</li> </ol> <p align="right">Sd/-</p> <p align="right">) ( Mridula Bhatkar, J.) Chairperson</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. \_\_\_\_\_ of 20 \_\_\_\_\_

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Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 11.03.2022</p> <p align="center">O.A.Nos.51 to 54/2020, 488/2019, 491 to 493/2019 &amp; 217/2020</p> <p>K. B. Shivsaran &amp; Ors. ....Applicants</p> <p>Versus</p> <p>The State of Maharashtra &amp; Ors. ...Respondents.</p> <p>1. Heard Shri Arjun Patil, learned Counsel for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicants seeks time to move amendment application to O.A.</p> <p>3. Four weeks time is granted.</p> <p>4. S.O. to 08.04.2022.</p> <p align="right">Sd/-</p> <p align="right">/ ( Mridula Bhatkar, J.) Chairperson</p> <p>vsm</p>