

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 677 OF 2022

DISTRICT : AURANGABAD

1. Ambrish s/o Kashinath Bhusane,)
Age : 57 years, Occu. : Service as a Police,)
R/o : Plot No. 10, Gajraj Nagar, N8, CIDCO,)
Aurangabad, Tq. & Dist. Aurangabad-431003.)

2. Prashant s/o Vasanttrao Sugarwar,)
Age : 51 years, Occu. : Service as a Police,)
R/o : Quarter No. 10, Police Colony,)
Mill Corner, Aurangabad.)

3. Raghunath s/o Maroti Chaudhari,)
Age : 56 years, Occu. : Service as a Police,)
R/o : New Shivaji Nagar, Khat Road,)
Bhandara, Tq. & Dist. Bhandara.)

(Deleted as per the order dated 21.07.2022.)

.... **APPLICANTS**

V E R S U S

1. **State of Maharashtra,**)
Through its Secretary,)
Department of Home Affairs, Mantralaya,))
Mumbai-400 032.)
2. **The Director General of Police,**)
Shahid Bhagatsingh Marg, Kulaba,)
Mumbai.)
3. **Bhagvan Pandurang Bhotkar,**)
Age : 53 years, Occu. Service as)
Dy. Superintendent of Police,)
State Reserve Police Force, Gut No. 14,)
Aurangabad.)
4. **Dattatray Ganpat Paithane,**)
Age : 53 years, Occu. Service as)
Dy. Superintendent of Police,)
State Reserve Police Force, Gut No. 03,)
Jalna.)

5. **Mahadev Appaji Patil,**)
 Age : 52 years, Occu. Service as)
 Dy. Superintendent of Police,)
 State Reserve Police Force, Gut No. 12,)
 Hingoli, Dist. Hingoli.)
6. **Kisan Purbaji Yermure,**)
 Age : 51 years, Occu. Service as)
 Dy. Superintendent of Police,)
 State Reserve Police Force, Gut No. 12,)
 Hingoli, Dist. Hingoli.)

... RESPONDENTS

APPEARANCE : Shri K.G. Salunke, Counsel for the Applicants.
 : Smt. Sanjivani K. Deshmukh-Ghate,
 Presenting Officer for respondent authorities.

CORAM : **Hon'ble Justice Shri P.R. Bora, Vice Chairman**
and
Hon'ble Shri Vinay Kargaonkar, Member (A)

DATE : **30.10.2023.**

PER : **Hon'ble Shri Vinay Kargaonkar, Member (A)**

ORDER

1. Heard Shri K.G. Salunke, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent authorities.

2. Initially the present Original Application is filed by 3 applicants. During pendency of the O.A., the name of 3rd applicant came to be deleted from the array of application on his

request. The applicant Nos. 1 and 2 have prosecuted the matter further.

3. The applicants are serving as Reserved Police Inspectors in the cadre of District Armed Police Force. The applicants claim to be eligible for promotion to the post of Armed Dy. Superintendent of Police, which is equivalent to the Assistant Commandants in SRPF. It is the contention of the applicant that till the year 2018, the common list of Inspectors from State Reserve Police Force (SRPF) and District Armed Police Force is to be published and as per the said list in order of seniority, the promotion to the post of Dy. Superintendent of Police in proportion of 70:30 used to be made. It is the contention of the applicants that without any good reason the respondents have discontinued such practice, which has resulted in depriving the present applicants from the promotion to the post of Dy. Superintendent of Police. It is the further contention of the applicants that the promotions are being effected only to 65 officers from SRPF to the post of Dy. Superintendent of Police and none has been promoted from District Armed Police Force. It is further submitted that in the similar circumstances, the Principal Seat of this Tribunal at Mumbai in Original Application No. 313 of 2019 has directed the respondents to consider all

such officers for their promotion. Learned counsel submitted that similar relief is liable to be granted in favour of the present applicants also.

4. The contentions as are raised in the O.A. and the prayers made therein are opposed by the respondents. Respondent No. 2 has filed affidavit in reply, as well as, respondent No. 4 has filed his affidavit in reply. In short, it is the contention of the respondents that as per the Rules, which governed the promotion to the post of Dy. Superintendent of Police, the applicants do not fall in the feeder cadre thereof. According to the respondents, the applicants therefore, cannot be promoted to the post of Dy. Superintendent of Police claiming parity with the officers in SRPF. The respondents have therefore, prayed for dismissal of the Original Application.

5. We have duly considered the submissions made on behalf of the applicants, as well as, respondent authorities. We have perused the documents filed on record. We have also gone through order passed by the Principal Seat of this Tribunal at Mumbai in Original Application No. 313 of 2019. The Police Force in the State of Maharashtra is broadly divided in two categories i.e. :-

- 1) State Reserve Police Force (SRPF) and
- 2) District Police Force.

Applicants are serving as Reserve Police Inspector in District Police. Applicants were eligible and due for promotion to the post of Armed Deputy Superintendent of Police, which is equivalent to the rank of Assistant Commandant in SRPF from the year 2018. Till year 2018, a combined seniority list of Inspectors from State Reserve Police Force (SRPF) and District Armed Police Force used to be published. Since there was no promotional avenue available for Reserve Police Inspectors to the rank of Armed Deputy Superintendent of Police the Government has taken a policy decision in 2003-04 to make a combined seniority list of Sr. Inspectors in SRPF and Reserve Police Inspectors (RPI) working in district police. As per that Policy promotions were given to RPIs from 2011 to 2018 to the rank of Assistant Commandants in proportion of 70:30 i.e. 70% post were filled from Sr. Inspectors in SRPF and Reserve Police Inspectors from district police.

6. Order dated 30/07/2019 passed in Original Application No. 313 of 2019 of Principle Seat of this Tribunal at Mumbai says that :-

“Respondents are directed to ensure that all the officers mentioned in Annexure A-1, who have completed 3 years and are suitable for promotion, should be considered for

promotion when the D.P.C. Meets next time, depending upon the vacancies.”

7. After above mentioned order, a combined seniority list was not published, but a separate seniority list of Inspectors from State Reserve Police Force was published. Promotions were given to Inspectors from State Reserve Police Force only and no promotions were given to any inspectors from District Police. During promotion from 2019 to 2022, in all 65 Inspectors from SRPF, who were junior to the applicants as per seniority list published in the year 2018 were promoted to the rank of Dy. Superintendent of Police. Applicants have challenged both actions of respondents i.e. publishing a separate seniority list and giving promotion to Police Inspectors, who are junior to applicants as per combined seniority list of 2018.

8. Order of Principal Seat of this Tribunal at Mumbai doesn't prevent the continuation of policy decision taken in 2003-04 by which Reserve Police Inspectors in district were given promotion to the post of Assistant Commandant in State Reserve Police Force. Order of Principal Seat doesn't state that Reserve Police Inspectors from district should not be considered for promotion to the post of Armed Deputy Superintendent of Police/ Assistant Commandant. Order of Principle bench has neither

invalidated the combined seniority list nor it states that promotion should not be given to Reserve Police Inspectors. Combined seniority list published on 01/01/2018 is still valid and all officers in that list are eligible for promotion to the rank of Dy. Superintendent of Police / Assistant Commandant as per seniority and meeting other criteria for promotion.

9. The respondents have placed on record the proposal dated 28.09.2021 submitted by the Director General of Police, State of Maharashtra to the Additional Chief Secretary, State Government. Learned Director General of Police has suggested for making it practice to consider the eligible officers of the rank of Reserve Police Inspectors for their promotions to the post of Dy. Superintendent of Police. Learned Director General of Police has also suggested the proportions for such promotions. It appears to us that the proposal so submitted requires to be consciously considered by the State authorities. Hence the following order :-

ORDER

- (i) The applicants are held entitled for to be promoted to the post of Dy. Superintendent of Police. The respondents shall pass the orders of their promotion, if otherwise found suitable subject to availability of the vacancies.

- (ii) Insofar as applicant No. 1 is concerned, since he is retiring tomorrow i.e. on 31.10.2023, the respondents shall endeavor for expedite process insofar as his promotion is concerned.
- (iii) The respondent No. 1 shall take conscious decision on the proposal dated 28.09.2021 within a period of 4 months from the date of this order.
- (iv) There shall be no order as to cost.

MEMBER (A)

VICE CHARIMAN

PLACE : Aurangabad.

DATE : 30.10.2023

KPB S.B. O.A. No. 677 of 2022 PRB Promotion