

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 121 OF 1998**

DIST. : PARBHANI

Namdeo s/o Madhavrao Jagdale,  
Age. 60 years, Occ. Pensioner,  
(retired as Police Inspector),  
(CID Crimes), R/o Parbhani.

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APPLICANT

VERSUS

1. The State of Maharashtra,  
(Copy to be served on P.O,  
M.A.T., Bench at Aurangabad).

2. The Dy. Inspector General of  
Police, Crime Investigation  
Department, (Crimes),  
M.S., Pune.

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RESPONDENTS

APPEARANCE : Shri A.S. Deshmukh, learned Advocate for  
the Applicant.

: Shri M.S. Mahajan, learned Chief  
Presenting Officer for the Respondents.

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**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman  
A N D  
Hon'ble Shri J.D. Kulkarni, Member (J)**  
**DATE : 21.10.2016**  
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**JUDGMENT**

**{PER : HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN}**

1. Heard learned Advocate Shri A.S. Deshmukh for the  
Applicant and Shri M.S. Mahajan, learned Chief Presenting  
Officer (C.P.O.) for the Respondents.

2. This O.A. has been filed by the Applicant challenging the order dated 17/23.1.1996 issued by the Respondent no. 2, denying him One-step Promotion to the post of Deputy Superintendent of Police / Assistant Commissioner of Police in the Criminal Investigation Department (C.I.D.) in the State.

3. Learned Counsel for the Applicant argued that the Applicant was promoted as Police Inspector and was posted in C.I.D. under the Respondent no. 2 and retired on superannuation on 31.1.1996. The State Government in Home Department (the Respondent no. 1) issued a Government Resolution (G.R.) on 14.8.1995 which provides for 'One-step Promotion' to the personnel working in C.I.D. For the Personnel already working in C.I.D., their performance in C.I.D. was to be considered for such promotion. The Applicant was working as Police Inspector in C.I.D. from 1.8.1990 till 31.1.1996. After coming into force of G.R. dated 14.8.1995, the Applicant was eligible to be given 'One-step Promotion'. During the period when the Applicant was working in C.I.D., the performance of the Applicant was good. Only once, one minor punishment was imposed on him by order dated 2.11.1992. The Applicant was awarded many cash prizes and certificates of appreciation during

his stint in C.I.D. No adverse remark in his annual reports was communicated to him. Learned Counsel for the Applicant contended that impugned order dated 17/23.1.1996 is arbitrary, issued without application of mind in colourable exercise of power and hence illegal.

4. Learned Chief Presenting Officer (C.P.O.) argued on behalf of the Respondents that the Applicant joined C.I.D. on 1.8.1990 as a Police Inspector. At that time, there was no provision to give 'one-step promotion' to personnel working in C.I.D. By G.R. dated 14.8.1995, all personnel working in C.I.D. become eligible to be given 'one-step promotion'. However, this was applicable to new entrants to C.I.D. For the personnel already working in C.I.D., such one step promotion was to be given on the basis of their performance in C.I.D. Those who were found ineligible for 'one-step promotion' were to be given option to get repatriated to their original cadre. The Applicant was not found fit for one-step promotion and accordingly order dated 23.1.1996 was issued. The Applicant retired on superannuation on 31.1.1996. Learned C.P.O. argued that the claim of the Applicant that during his stint in C.I.D. only one minor punishment was imposed on him by order dated 2.11.1992 is not correct. In fact, two punishments were imposed on the Applicant while he was

working in C.I.D. In addition to the punishment dated 2.11.1992, by order dated 12.9.1995, punishment of 'Censure' (सक्त ताकीद) was imposed upon him. Considering his overall performance, the Applicant was not found fit to be given 'One-step Promotion'.

5. We find that by G.R. dated 14.8.1995, it was decided to give One-step Promotion to the personnel working in C.I.D. This G.R. was prospective in application. For the personnel, who were working in C.I.D. on 14.8.1995, it was decided to give One-step Promotion based on their performance in C.I.D. The Respondents claim that the Applicant was not found eligible for One-step Promotion on the basis of his performance. It is stated in the affidavit in reply filed on behalf of the Respondent nos. 1 & 2 on 29.10.1998 that during his stint in C.I.D., two punishments were imposed on the Applicant on 2.11.1992 and 12.9.1995. Though these punishments were minor, if the Respondents did not find the Applicant fit for One-step Promotion, on the basis of these punishments, the Respondents cannot be faulted. We are unable to accept the claim of the Applicant that impugned order denying him One-step Promotion was arbitrary or without application of mind. There is no material on record to support that there was colourable exercise

of power by the Respondent no. 2 in denying One-step Promotion to the Applicant.

6. Having regard to the aforesaid facts and circumstances of the case, this O.A. is dismissed with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN**

ARJ OA NO. 121-1998 DB (RA) ONE STEP PROMOTION