

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

CONTEMPT APPLICATION NO 25 OF 2017

IN

ORIGINAL APPLICATION NO 283 OF 2014

DISTRICT : MUMBAI

1. Shri Parmeshwar B. Kadam,)
Assistant Police Inspector,)
Coastal Security Branch,)
Navi Mumbai, R/at Flat no. 103,)
Tulsi Villa, Sector-6, Karanjade,)
Panvel 410 206.)
2. Shri Arun Namdev Pawar,)
Assistant Police Inspector,)
Kalamboli Police Station,)
Navi Mumbai, R/at 14/17,)
Raoji Sajpal Compound,)
J.J Road, Sewri [W],)
Mumbai.)
3. Shri Vivekanant S. Raut,)
Assistant Police Inspector,)
Rabale Police Station,)
Navi Mumbai and R/at 504,)
Phoenix Bldg, Plot no. 47,)
Sector-16, Kalamboli, Navi Mumbai.)

4. Shri Rajeshkumar V. Thorat,)
Assistant Police Inspector,)
APMC Police Station, Navi Mumbai.)
R/at 02D/12, Sagar CHS, Sector-29)
Vashi, Mumbai.)
5. Shri Vasant J. Sapre,)
Assistant Police Inspector,)
Khandeshwar Police Station,)
Navi Mumbai. R/at 'The Rivera')
J-401, Chiple Gaon, Tal-Panvel,)
Dist-Raigad.)
6. Shri Pramod G. Pawar,)
Assistant Police Inspector,)
APMC Police Station, Navi Mumbai.)
R/at 401-B Wing, Pratap Apartment)
Sector-19, Near Old Visarjan Talao,)
Koparkhairne, Navi Mumbai.)...**Applicant**

Versus

Shri Satish Mathur,)
Director General of Police,)
Having office at Old Council Hall,)
Colaba, Mumbai.)...**Respondent**

Shri M.D Lonkar learned advocate for the Applicants.

Ms Archana B.K. learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H Joshi (Chairman)
Shri Rajiv Agarwal (Vice-Chairman)

RESERVED ON : 13.04.2017
PRONOUNCED ON : 05.06.2017

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. Heard Shri M.D Lonkar learned advocate for the Applicants and Ms Archana B.K. learned Presenting Officer for the Respondent.

2. This Contempt Application has been filed by the Applicants seeking action against the Respondent for contempt of the order of this Tribunal dated 2.2.2016 in O.A no 283/2014.

3. Learned Counsel for the Applicants argued as follows:-

This Tribunal in O.A no 283/2014 has passed the following orders on 2.2.2016, viz:-

“Learned Advocate for the Applicant states that the “ relief for which the Original Application was submitted is infructuous in variable (view

of?) order passed by the Director General of Police.

The Applicants had sought following relief in the Original Application:

“(a) That Hon’ble Tribunal be pleased to hold and declare that the petitioners are entitled to count their seniority with effect from 1st July 2005 as per the Rules in that behalf and accordingly the Respondents be directed to fix the seniority of the Petitioners in the cadre of Police Sub Inspectors with all consequential service benefits.

(b) this Hon’ble Court further be pleased to hold and declare that the Petitioners are entitled for grant of pensionary benefits on par with their batch-mates selected and appointed from the same selection batch and selection process in accordance with M.C.S (Regulation of Pension) Rules, 1982 and direct the Respondents to order accordingly.”

Director General of Police, Maharashtra State, Mumbai had granted retrospective seniority with effect from 1.7.2005 to the Applicants in the cadre of Police Sub-Inspectors by order dated 3.1.2015 and the pension

scheme has also been made applicable by order dated 12.3.2015. However, the Respondent has not granted the consequential reliefs of granting seniority to the Applicants in the cadre of Assistant Police Inspector. This amounts to contempt of the order of this Tribunal dated 2.2.2016.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondent as follows:-

There has been no disobedience of the order dated 2.2.2016 of the Tribunal by the Respondent. In fact, by order dated 2.2.2016, this Tribunal merely recorded that both the reliefs sought by the Applicants viz. seniority in the cadre of Sub-Inspector with effect from 1.7.2005 and application of Maharashtra Civil Services (Pension) Rules, 1982 to them, were already granted by the D.G.P on 3.1.2015 and 12.3.2015 respectively. The relief sought by the Applicants now was not specifically granted by this Tribunal. The Respondent is ready to consider the request of the Applicants, but is awaiting decision of this Tribunal in O.A nos 918/2015 etc. filed by some other Police Sub-Inspectors, who were directly recruited and who have challenged the order of D.G.P dated 3.1.2015 granting deemed date of appointment to the present Applicants from 1.7.2005 in the cadre of Sub-Inspector.

5. We find that this Tribunal has not passed order on merits on 2.2.2016. The statement made on behalf of the Applicants that the reliefs sought by them had become 'infructuous' in view of the order passed by the Director General of Police was noted. The Applicants themselves had admitted that O.A no 283/2014 had become infructuous and the Original Application was allowed to be withdrawn. When the Applicants were fully satisfied with the order passed by the Director General of Police, and voluntarily withdrew the Original Application, the question of disobedience of any order of this Tribunal does not arise. The Director General of Police has shown his willingness to consider deemed date of appointment granted to the Applicants in the cadre of Sub-Inspector of Police while deciding their seniority in the cadre of Assistant Police Inspector. The reason cited for delay in granting consequential relief given by the Respondent viz. the pendency of O.A nos 918/2015 etc. before this Tribunal filed by other Sub-Inspectors who were not a party to O.A no 283/2014 and who are aggrieved by grant of deemed date of appointment w.e.f 1.7.2005 to the Applicants, as it affects their seniority, appears to be quite valid.

6. There is no disobedience of the order of this Tribunal dated 2.2.2016 by the Respondent. We, therefore, drop contempt proceedings against the

Respondent. This Contempt Application is disposed of accordingly with no order as to costs.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Sd/-
(A.H Joshi, J.)
Chairman

Place : Mumbai
Date : 05.06.2017
Dictation taken by : A.K. Nair.