

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 461 OF 2015**

DISTRICT : MUMBAI

Shri Ashok Hari Khedkar)
Retd. Police Officer,)
R/o: Radha Niwas, Block No. 1,)
Ground floor, Dadasaheb Rege Marg,)
Shivaji Park, Dadar [W],)
Mumbai 400 025.)...**Applicant**

Versus

1. The Addl Chief Secretary,)
Home Department, Mantralaya,)
Mumbai.)
2. The Director General of Police,)
Maharashtra State,)
Mumbai.)...**Respondents**

Shri Ashok H. Khedkar, applicant in person.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula R. Bhatkar (Chairperson)**
Shri P.N Dixit (Vice-Chairman) (A)

DATE : **08.01.2021**

PER : **Shri P.N Dixit (Vice-Chairman) (A)**

ORDER

1. Heard Shri Ashok Khedkar, applicant in person and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. The applicant has made following prayers:-

9(b) The respondents be directed and ordered to grant further promotion to the rank of Additional Superintendent of Police after fixation of deemed date of promotion i.e. with effect from 16.8.2001 in view of the consideration of the Government Reference No. PAA-0396/CR 476/Pol-5(A), Home Department, Mantralaya, Mumbai dated 28th November, 1999.

(c) The Respondents be directed to pay the difference in benefits like back wages, gratuity, pension and consequential other benefits at an earliest.”

3. Learned C.P.O has pointed out that on 18.7.2017, the Government had considered the case of the applicant for promotion in the rank of Dy. S.P and in that communication, the Home Department has issued following memo/order:-

“५. श्री. अशोक हरि खेडकर यांचा पोलीस उप अधीक्षक / सहायक पोलीस आयुक्त (नि:शस्त्र) या पदावरील पदोन्नतीसाठी तयार करण्यात आलेल्या सन २०००-२००१ च्या निवडसूचीमध्ये समावेश करण्यात आला आहे. सदर निवडसूचीवरील श्री.एस.व्ही.पवार यांचा पोलीस उप अधीक्षक/सहायक पोलीस आयुक्त नि:शस्त्र या संवर्गातील पदावरील पदोन्नतीचा दि.१३.०९.२००१ हा दिनांक, श्री.अशोक हरि खेडकर यांना ‘पोलीस उप अधीक्षक / सहायक पोलीस आयुक्त (नि:शस्त्र)’ या संवर्गातील पदावरील पदोन्नतीचा मानवी दिनांक म्हणून सेवाज्येष्ठता व वेतननिश्चितीसाठी ग्राह्य धरण्यास आयोगाच्या मान्यतेच्या अधीन राहून मंजूर करण्यास शासन मान्यता देण्यात येत आहे. श्री.अशोक हरि खेडकर यांची दि.१३.०९.२००१ ते दि.३१.०३.२००६ या सेवानिवृत्तीच्या तारखेपर्यंत काल्पनिक वेतनवाढ देउन वेतन निश्चिती करण्यात यावी. सदर काल्पनिक वेतननिश्चितीचा लाभ श्री.अशोक हरि खेडकर यांना फक्त निवृत्तीवेतन, उपदान व इतर अनुषंगिक लाभाच्या प्रयोजनासाठी अनुज्ञेय राहिल. तथापि, दि.१३.०९.२००१ ते दि.३१.०३.२००६ या कालावधीतील वेतन भत्यांची थकबाकी, श्री.अशाक हरि खेडकर यांना अनुज्ञेय राहणार नाही.”

4. Thereafter applicant made one more representation on 18.7.2018 that he should be given promotion in the rank of Addl. S.P. The same was considered by the Government and the

representation was decided on 1.10.2018 and communicated to the applicant. The same communication mentions that no person junior to the applicant including (Shri S.V Pawar) has been promoted overlooking the applicant, on the date of his retirement namely 31.3.2006. Hence, he is not entitled for being considered to the rank of S.P/D.C.P.

5. The applicant contends that he worked in the Police Training Academy with additional responsibility and therefore the same should be considered while granting him retirement benefits. The issue raised by the applicant is not relevant, since this is not promotion in substantial rank. As far as his notional promotion date is concerned, nothing remains to be considered by the Government. The applicant has failed to produce any grounds to support his contention including any discriminatory treatment against him.

6. As nothing remains in the O.A, the O.A is dismissed. No order as to costs.

Sd/-
(P.N Dixit)
Vice-Chairman (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.01.2021
Dictation taken by : A.K. Nair.