

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 968 OF 2019

DISTRICT : MUMBAI

1. Shri Rameshwar C. Pawar)
2. Shri Mahesh T. Patil)
3. Shri Atul B. Zod.)
4. Shri Dinkar S. Patil)
5. Smt Priya S. Patil (Usha Survase))
6. Smt Supriya S. Mulik (Deshmukh))
7. Shri Bhimashankar A. Narote)
8. Shri Ashish G. Sawant)
9. Shri Sachin S. Patil)
10. Shri Rakesh G. Jadhav)
11. Shri Digambar A. Patil)
12. Shri Sandeep G. Dongre)
13. Shri Amol S. Bade)
14. Shri Amit Popal Gavali)
15. Shri Ajit S. Jadhav)
16. Shri Sanjay G. Hadwale)
17. Smt Pragati S. Dapse (Dhakane))
18. Shri Sandip V. Sawale)
19. Shri Abhijit P. Kavathekar)
20. Shri Balasaheb V. Mane)
21. Shri Vikas P. Patil)
22. Shri Amol W. Pawar)
23. Shri Sagar M. Dapase.)
C/o: Shri C.T Chandratre,)
Learned advocate for the applicants)
M.A.T Bar Office, Maker Tower, E-Wing,)
Opp. World Trade Centre,)
Cuffe Parade, Mumbai – 5.)...**Applicants**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032.)

2. The Director General of Police,)
 Maharashtra State,)
 S.B Marg, Colaba, Mumbai 400 001.)
3. The Commissioner,)
 State Intelligence Department)
 Maharashtra State, Old Secretariat)
 2nd floor, Colaba, Mumbai 400 001.)
4. The Secretary,)
 Maharashtra Public Service Commission)
 Opp. Cooperage Ground, M.K Road,)
 Mumbai 400 020.)...**Respondents**

Shri C.T Chandratre, learned advocate for the Applicants.

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

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

DATE : **13.10.2020**

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

J U D G M E N T

1. Heard Shri C.T Chandratre, learned advocate for the Applicants and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. All the applicants who are working as Intelligence Officer, Group-B, seek promotion to the post of Senior Intelligence Officer, mainly on the basis of the Notification dated 24.10.2008, wherein the experience of 3 years in feeder cadre is required for promotion.

3. Learned Counsel for the applicants states that the applicants made representations from 22.1.2019 for considering them for

promotion to the post of State Intelligence Officer. The applicants were promoted to the post of Intelligence Officer on 31.12.2015. They are working on the said post for last 3 years and as per Rule 7(b) read with Rule 9 of the Notification dated 24.10.2008, they fall in quota of 25% for promotion.

4. Affidavit in reply is filed by Ms Namrata N. Alaknure, Additional Deputy Commissioner in the office of the Commissioner, State Intelligence Department, Mumbai on behalf of Respondents no 1, 2 & 3 and it appears from that since 2009 the Respondents wanted to amend the Recruitment Rules and the Respondents want to increase the period of experience from 3 years to 7 years by amending Rule 7(b) of the said Notification dated 24.10.2008. In the affidavit in reply the Respondents have further stated that unless and until the Recruitment Rules are amended, no one will be promoted to the post of Senior State Intelligence Officer.

5. It is apparent that till today the Recruitment Rules are not amended. The process of amending the Recruitment Rules is going on since 2009 and today nearly 11 years have lapsed and yet the Recruitment Rules are not amended. This inordinate delay reveals that the Government is neither serious nor interested in amending the present rules. The delay itself is an indication of inaction on the part of the Government, and therefore, the rights of the applicants are not to be prejudiced.

6. It is to be noted that the applicants when they became eligible for promotion after completing 3 years in the feeder cadre, that is in the year 2018, as per Notification dated 24.10.2018, the present rules were in existence. Thus, the present rules are to be applied with immediate effect.

7. In view of the above, the Respondents are directed to consider the case of the applicants for promotion to the post of Senior State Intelligence Officer as per Notification dated 24.10.2008 after following the rules and procedure, preferably on or before 31.1.2021.

8. With the above directions, Original Application stands disposed of. No order as to costs.

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

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 13.10.2020
Dictation taken by : A.K. Nair.