

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NO.421/2017.** (S.B.)

Vijay Nandlal Harane,  
Aged about 47years,  
Occ- Govt. Servant, Police Department,  
R/o Dharampeth Tanga Stand, VIP Road,  
Nagpur-440 010.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Home,  
Mantralaya, Mumbai-32.
2. The Director General of Police (M.S.),  
Shahid Bhagatsingh Marg,  
Colaba, Mumbai-01.
3. The Commissioner of Police,  
Civil Lines, Nagpur-01.

**Respondents**

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**ORIGINAL APPLICATION NO.422/2017.**

Varsha w/o Sunil Kolhe,  
Aged about 40 years,  
Occ- Govt. Servant, Police Department,  
R/o Near Old Ram Mandir, Ayodhya Nagar,  
Nagpur-440 024.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Home,  
Mantralaya, Mumbai-32.
2. The Director General of Police (M.S.),  
Shahid Bhagatsingh Marg,  
Colaba, Mumbai-01.
3. The Commissioner of Police,  
Civil Lines, Nagpur-01.

**Respondents****ORIGINAL APPLICATION NO.423/2017.**

Shashikala w/o Bajrang Singh Kashyap,  
Aged about 46years,  
Occ- Govt. Servant, Police Department,  
R/o Ramnagar, Telangkhedi, Behind Masjid,  
Amravati Road, Nagpur-440 033.

**Applicant.****-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Home,  
Mantralaya, Mumbai-32.
2. The Director General of Police (M.S.),  
Shahid Bhagatsingh Marg,  
Colaba, Mumbai-01.
3. The Commissioner of Police,  
Civil Lines, Nagpur-01.

**Respondents****ORIGINAL APPLICATION NO.424/2017.**

Shabnam w/o Arif Sheikh,  
Aged about 46years,  
Occ- Govt. Servant, Police Department,  
R/o 409,-A, Koradi Road, Nagpur-440 030.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Home,  
Mantralaya, Mumbai-32.
2. The Director General of Police (M.S.),  
Shahid Bhagatsingh Marg,  
Colaba, Mumbai-01.
3. The Commissioner of Police,  
Civil Lines, Nagpur-01.

**Respondents****ORIGINAL APPLICATION NO.425/2017.**

Vandana w/o Sunil Bodkhe,  
Aged about 42 years,  
Occ- Govt. Servant, Police Department,  
R/o Flat No.102, Akhilesh Apartment,  
Tri-Sharan Society,  
Jaitala Road, Nagpur-440 016.

**Applicant.****-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Home,  
Mantralaya, Mumbai-32.
2. The Director General of Police (M.S.),  
Shahid Bhagatsingh Marg,  
Colaba, Mumbai-01.
3. The Commissioner of Police,  
Civil Lines, Nagpur-01.

**Respondents**

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Shri S.M. Khan,, the Ld. Advocate for the applicant.  
S/s S.A. Sainis, V.A. Kulkarni, H.K. Pande, A.M. Khadatkar and  
A.M. Ghogre, the Ld. P.Os for the respondents.

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**Coram:-Shri J.D. Kulkarni,**  
**Vice-Chairman**

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### **ORAL ORDER**

(Delivered on this 28 the day of September 2018.)

Heard Shri S.M. Khan, the learned counsel for the applicants and S/s S.A. Sainis, V.A. Kulkarni, H.K. Pande, A.M. Khadatkar and A.M. Ghogre, the learned P.Os for the respondents in all the O.As.

2. In these O.As., all the respective applicants have claimed that the orders dated 30.4.2016 and 27.4.2017 whereby the benefit of time bound promotion / Assured Career Progressive Scheme to the applicants have been withdrawn, is illegal, arbitrary and contrary and violative of Articles 14 and 16 of the Constitution of India and, therefore, the same shall be quashed and set aside.

3. The learned counsel for the applicants has placed on record a Chart giving details as regards names of the applicants and O.A. numbers, dates of joining service, dates of joining after transfer and date of time bound promotion which reads as under:-

Sr.No.	Applicants Names and O.A. Nos.	Date of joining in service as (Police Constable)	Date of joining after transfer as (Police Constable to Jr. Clerk)	Time Bound Promotion given on date
1	Vijay Nandlal Harne <b>O.A.421/2017</b>	5.8.1994	14.10.2002	5.8.2006
2	Varsha Sunil Kolhe <b>O.A.422/2017</b>	7.11.1997	14.10.2002	7.11.2009
3	Shashikala Bajrang Singh Kashyap <b>O.A.423/2017</b>	24.1.1994	12.10.2002	24.1.2006
4	Shabnam Arif Sheikh <b>O.A.424/2017</b>	24.1.1991	12.10.2002	24.1.2003
4	Vandana Sunil Bodkhe <b>O.A.425/2017</b>	27.3.2001	14.10.2002	3.4.2013

4. From the aforesaid chart, it seems that all the applicants were earlier appointed as Police Constable and have opted for the post of Junior Clerk. The pay scale of Police Constable and the Junior Clerk was the same. Accordingly, they have joined on the post of Jr. Clerk as mentioned in the chart in the year 2002. Considering their entire service as Police Constable and the Junior Clerk, first time bound promotion was granted to them on the different dates as mentioned in the aforesaid chart. Vide order dated 13.4.2017, the respondent No.3 i.e. the Commissioner of Police, Nagpur has withdrawn the said benefit on the basis of one communication issued by the Special Inspector General of Police, Mumbai dated 30.4.2016 (A.2). The reason for such withdrawal of benefit is that earlier the applicants were serving as Police Constable

and were transferred to the post of Jr. Clerk and the pay scale of both the posts are different as per Fifth Pay Commission and, therefore, since the applicants have not completed 12 years continuous service in the post of Jr. Clerk, they were not entitled to time bound promotion. The respondent Nos. 2 and 3 have tried to justify the order of withdrawal.

5. From the admitted facts on record, it seems that before issuing the impugned order, no opportunity was given to any of the applicants and admittedly the applicants are enjoying the benefit of first time bound promotion since long such as from the year 2003, 2006, 2009 and 2013 as mentioned in the aforesaid chart. Such withdrawal of benefit without giving any opportunity to the applicants is absolutely illegal and arbitrary.

6. The learned counsel for the applicants has invited my attention to the G.R. dated 7.10.2016, a copy of which is placed on record at page Nos. 26 to 29 (both inclusive) in O.A.No.421/2017, which clearly shows that the Government has decided to take into consideration the temporary service for granting first time bound promotion. Admittedly, the post of Jr. Clerk and the Police Constable was earlier having similar pay scale and even in the Fifth Pay Commission, the pay scale of the post of Jr. Clerk and the Police

Constable is similar and, therefore, in such circumstances, there was absolutely no reason to withdraw time bound promotions which are granted long back to the applicants that too without giving any opportunity to the applicants. Hence, I proceed to pass the following order:-

**ORDER**

- (i) The O.A. Nos. 421, 422, 423, 424 & 425 of 2017 stand allowed.
- (ii) The impugned communications dated 30.4.2016 and 27.4.2017 taking out / cancelling benefit of time bound promotional scheme to the respective applicants is quashed and set aside.
- (iii) No order as to costs.

(J.D.Kulkarni)  
Vice-Chairman(J)

Dt. 28.9.2018.

Pdg.