IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO 451 OF 2008

DISTRICT : AMRAVATI

Shri Narayan Bhopaji Gawande)
Occ : Service, R/o: Sharda Nagar,)
Amravati, Dist-Amravati.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Department of Home,)
Mantralaya, Mumbai 400 032)
2. Director General of Police,)
Maharashtra State,)
S.B Marg, Colaba,)
Mumbai.)
3. Superintendent of Police,)
Gondia District, Gondia.)...**Respondents**

Shri H.R Saboo, learned advocate for the Applicant.

Shri S.A Sainis, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)
Shri J.D Kulkarni (Member) (J)

DATE : 06.01.2017

PER : Shri Rajiv Agarwal (Vice-Chairman)

O R D E R

1. Heard Shri H.R Saboo, learned advocate for the Applicant and Shri S.A Sainis, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant seeking deemed date of promotion in the cadre of Police Inspector (P.I) from 17.7.1990 and also seeking promotion to the post of Deputy Superintendent of Police/Assistant Commissioner of Police.

3. Learned Counsel for the Applicant argued that the Applicant was promoted as Police Inspector (P.I) w.e.f 27.3.1991. He has been seeking deemed date of promotion in the cadre of Police Inspector from an earlier date. In the affidavit in reply dated 26.6.2009 filed by the

Respondent no. 2, it is mentioned that a proposal has been submitted to the State Government on 20.2.2009 proposing 17.7.1990 as deemed date of promotion for the Applicant in the cadre of Police Inspector. The matter is still pending with the State Government. Learned Counsel for the Applicant contended that the Respondent no. 2 had informed the Applicant on 4.5.2007 that he was not found eligible for promotion as Deputy Superintendent of Police/A.C.P as his ACRs were graded below the minimum requirement for promotion to Group 'A' post. Learned Counsel for the Applicant stated that the Applicant was working from 1991 to 2001 in the CBI and was given promotion as Deputy Superintendent of Police. No adverse entry in any of his ACR was communicated to him. As such, the claim of the Respondent no. 2 that his ACRs were graded below standard has to be discarded.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondents that the present Original Application is hopelessly barred by limitation and on this ground alone, it may be dismissed. We are unable to accept this argument as the Respondent no. 2 in his affidavit in reply dated 26.6.2009 has admitted that on 20.2.2009 a proposal to grant deemed date of 17.7.1990 to the Applicant in the cadre of the Police Inspector, was sent to the Respondent no. 1. As such the matter is still

pending with the State Government, who is required to take a decision in this matter.

5. As regards other relief sought by the Applicant, viz. promotion to the post of Deputy Superintendent of Police, in the affidavit in reply, the Respondent no. 2 has stated as follows:-

> " .....again the Answering Respondent will require sometime to send the proposal after examining the position and if found suitable as per prevalent rules and regulations, then the proposal to the Government for considering the case of the Applicant for promotion to the post of Deputy Superintendent of Police / A.C.P will be sent to the Government and suitable time will be required."

6. In the light of the averments made in the affidavit in reply dated 26.6.2009, filed by Respondent no. 2, viz. Director General of Police, Maharashtra State, Mumbai, the Respondent no. 1 is directed to take a decision on the proposal of the Respondent no. 2 dated 20.2.2009 regarding grant of 17.7.1990 as deemed date of promotion in the cadre of Police Inspector to the Applicant within a period of three months from the date of this order. The Respondent no. 2 may also examine the rules positions and if found suitable, the Applicant's case for promotion to the post of Deputy Superintendent

of Police /A.C.P may be submitted to the Respondent no. 1 within a period of one month from the date of this order and the Respondent no. 1 may take final decision within a further period of two months. The Original Application is disposed of accordingly with no order as to costs.

sd/-

(J.D Kulkarni)
Member (J)

sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Nagpur
Date : 06.01.2017
Dictation taken by : A.K. Nair.

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