

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.630/2013.

(S.B.)

Bharat Aandrao Rakshashkar,
Aged about 56 years,
R/o C/o Superintendent of Police,
Washim.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Additional Chief Secretary,
Department of Home,
Mantralaya, Mumbai-32.
2. The Director General of Police,
Having its office near Regal Theatre,
Kulaba, Mumbai.

Respondents.

Shri S.P. Palshikar, the learned counsel for the applicant.
Shri H.K. Pande, the Ld. P.O. for the respondents.

Coram:- Shri J.D. Kulkarni,
Vice-Chairman (J).

JUDGMENT

(Delivered on this 19th day of January 2018).

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents..

2. The applicant was appointed as Police Sub-Inspector on 11.6.1986 and was promoted as Assistant Police Inspector in June

1993. Then, he was promoted as Police Inspector in 2005. The batch-mates of the applicant were, however, promoted on the post of Police Inspector on 25.10.2000. The applicant, therefore, filed representation for deemed date of promotion on 24.11.2006. It was, however, not considered and, therefore, the applicant filed O.A. No. 397/2007 before this Tribunal at Nagpur Bench. The said O.A. came to be disposed of vide order dated 5.3.2008 and this Tribunal was pleased to direct the respondents to take final decision for grant of deemed date of promotion to the applicant within three months. In consequence of the said decision, vide communication dated 30.9.2008, the applicant was granted deemed date of promotion on the post of Police Inspector w.e.f. 9.12.2001.

3. On 20.12.2009, the applicant has filed a detailed representation and requested that in the seniority list for the post of Police Inspector, seniority of the applicant be corrected considering his deemed date of promotion dated 9.12.2001. However, no decision was taken on his representation and, therefore, this application is filed. The applicant has claimed the following relief vide relief clause 9 (1) and (2) :-

- (1) Issue necessary directions to the respondents to consider the case of the applicant for further promotion to the post of Dy.S.P./ A.C.P. taking into consideration the fact that he has been already granted deemed date of promotion as on 9.12.2001.
- (2) Further be pleased to direct the respondents to issue appointment order in favour of the applicant as Dy.S.P./ A.C.P. forthwith or alternative direct the respondents to include his name in the promotion list which is to be published by the respondents in the month of September 2013 as Dy.S.P./ A.C.P. in the interest of justice.+

5. The respondent No.2 i.e. the Director General of Police, (M.S.), Mumbai filed reply affidavit. It is stated that the applicant is a direct entrant to the post of Police Sub-Inspector and is from the batch of 11.6.1980. It is admitted that he was granted promotion in the year 2005 in the cadre of Police Inspector. But subsequently deemed date of promotion was granted to him as on 9.12.2001. According to the respondents, seniority of the applicant in the cadre of Police Inspector has been corrected vide order dated 24.10.2003 and as per gradation list of Police Inspector as on 1.1.2012, the applicant's seniority is at Sr. No.448-A.

6. As regards the promotion to the post of Dy. S.P., it is stated that the officers upto Sr. No.359 were under consideration for the post of Dy. S.P.. Since the applicant's number stand at Sr. No.448-A, he was not considered and, therefore, application *sans* merits.

7. The learned P.O. alongwith the affidavit in reply of respondent No.2 has also filed copy of part of seniority list of Police Inspectors as on 1.1.2012 which is at page No.29 of the O.A. From the said copy, it seems that the applicant's number in the seniority list is 448-A. The learned P.O. has also placed on record the minutes of meeting of Departmental Promotion Committee (in short DPC). The minutes of the meeting are at Page No.32 to 38 (both inclusive) and is marked as %-1+ for identification. It seems that the last person considered for promotion to the post of Dy.S.P. was having seniority No.368, whereas the applicant stands at Sr. No.448-A. Obviously, therefore, the applicant has not been considered for promotion.

8. The learned P.O. has also placed on record the promotion order dated 9.6.2015 (Exh. X-2), page Nos. 39 to 45 (both inclusive), from which it seems that vide order dated 9.6.2015, the applicant has been promoted as Dy. S.P. and was posted at Aurangabad (Rural).

9. From the discussion in foregoing paras, it will be thus crystal clear that the respondents have granted deemed date of promotion to the applicant as per directions given by this Tribunal in O.A.No. 397/2007 and not only the seniority has been corrected accordingly and the applicant has been kept at Sr. No.448-A in the seniority list of Police Inspectors. Case of the applicant was also considered for promotion and he has been promoted to the post of Dy. S.P. He was not in the zone of consideration prior to 2015 and has rightly been promoted as Dy. S.P. vide order dated 9.6.2015. Thus, almost all the grievances of the applicant have been redressed and I do not find any reason to give any direction claimed by the applicant to the respondents. Hence, I do not find any merits in the O.A. I, therefore, proceed to pass the following order:-

ORDER

The O.A. is dismissed with no order as to costs.

Dt. 19.1.2018.

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

