

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 763 of 2020 (D.B.)**

Devidas Narayan Girde,
Aged about 62 years, R/o Near Renuka Mata Mandir,
Tukumb, Chandrapur.

Applicant.

Versus

1) The State of Maharashtra,
Through its Additional Chief Secretary,
Home Department, Mantralaya, Mumbai.

2) Director General of Police,
Having its office Near Regal Theatre, Kulaba,
Mumbai.

3) Superintendent of Police, Chandrapur.

Respondents.

**Shri S.P. Palshikar, Advocate for the applicant.
Shri H.K. Pande, learned P.O. for respondents.**

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 18/12/2023.

JUDGMENT

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

2. The regular Division Bench is not available. The Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai issued Circular No.MAT/MUM/JUD/469/2023,dated 24/04/2023. As per the direction of Hon'ble Chairperson, if both the parties have consented for final

disposal, then regular matter pending before the Division Bench can be disposed off finally. The matter is admitted, heard and decided finally with the consent of learned counsel for both the parties.

3. The case of the applicant in short is as under –

The applicant was initially appointed on 15/03/1982 on the post of Police Shipai. He was promoted as Naik Shipai in the year 1998. Thereafter, the applicant was entitled for promotion on the post of Assistant Sub Inspector and thereafter Police Sub Inspector.

4. While the applicant was working as a Hawaldar at Police Station, Rajura, District Chandrapur one complaint was lodged by the complainant. The offence punishable under the prevention of Corruption Act, 1988 was registered against him. The applicant was suspended. It was revoked in the year 2009. The applicant is acquitted in the Criminal Special Case no.04/2009 on 04/08/2018.

5. As per the submission of learned counsel for applicant, the suspension period was revoked and it was treated as a duty period as per order dated 13/06/2019. The applicant was eligible for promotion, but it was not granted to him because of the pendency of criminal case. The applicant is retired in **2016** after the age of superannuation. Therefore, the applicant approached to this Tribunal to direct the

respondents to give him deemed date of promotion and pay the consequential benefits.

6. The respondents have filed reply. The respondent no.3 in reply in para-3 admitted that the claim of the applicant for grant of deemed date is under active consideration of the higher authority.

7. Heard learned counsel for the applicant Shri S.P. Palshikar. He has pointed out the order dated 21/03/2023 issued by the respondents in respect of deemed date of promotion. As per Clause no. (i) in the order, the applicant was granted deemed date of promotion w.e.f. 30/10/2013. Therefore it is clear that prayer clause no.(2) in the O.A. is complied.

8. Now only prayer clause no. (1) remains to be complied by the respondents. The prayer clause no. (1) is reproduced below –

“(1) direct the respondents to grant deem date of promotion to the applicant as Assistant Sub Inspector from NT-B category with effect from 29.9.2007 when his juniors were promoted and grant him all monetary benefits arising therefrom;”

9. The respondents have admitted and complied the prayer clause no. (2) by granting deemed date of promotion w.e.f. 30/10/2013. Therefore, it was expected from the respondents to give the monetary benefits to the applicant as prayed in prayer clause no.(1). Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to grant deemed date of promotion to the applicant as Assistant Sub Inspector from the date on which his juniors were promoted from NT (B) category.

(iii) The respondents are directed to grant / pay all monetary benefits by taking into consideration the promotion granted to the applicant in the category of Assistant Sub Inspector and Police Sub Inspector within a period of four months from the date of receipt of this order.

(iv) No order as to costs.

Dated :- 18/12/2023.

(Justice M.G. Giratkar)
Vice Chairman.

*dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 18/12/2023.