MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

CIVIL APPLICATION NO.331/2014

AND

ORIGINAL APPLICATION NO.786/2013.

Vasanta Laxman Dabre,
Aged about 57 years,
Occ-Service,
R/o Bharat Nagar, Plot No.139,
Teachers Colony, Nagpur. **Applicant**

-**Versus-**

1) The State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-440 032.

2) The Director General of Police (M.S.),
Mumbai.

3) The Spl. Inspector General of Police,
Nagpur Region, Nagpur.

4) The Superintendent of Police,
Nagpur (Gramin).

5) The State Reserve Police Force Inspector,
Headquarters, Nagpur (Gramin). **Respondents**

Shri P.P. Khaparde, Ld. Counsel for the applicants.
Shri P.N. Warjukar, learned P.O. for the respondents.

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

Dated: - 5th April 2017.

JUDGMENT

Heard Shri P.P. Khaparde, the learned counsel for the applicants and Shri P.N. Warjukar, the learned P.O. for the respondents.

2. The applicant is claiming promotion to the post of Assistant Sub-Inspector (ASI) w.e.f. 2007 and is also claiming benefit of the scheme ñAshwashit Pragati Yojanaò and deemed date of promotion to the post of Head Constable w.e.f. 1998. Promotion to the post of Head Constable has been granted to the applicant on 1.1.2003.

3. The applicant came to be appointed as Police Constable vide order dated 25.8.1983. Since he was entitled for the benefit of time bound promotion on 15.8.1995, he filed representation on 24.11.2000 for grant of time bound promotion as Head Constable w.e.f. 1998. The applicant was subsequently promoted as Head Constable on 1.1.2003. He thereafter made representation for grant of promotion to the post of ASI. But, his representation was turned down and, therefore, he has filed this O.A.

4. The respondent No.4 filed reply and admitted that the applicant was promoted as Head Constable w.e.f. 1.1.2003 and denied that he was entitled to be promoted as Head Constable in the year 1998. It is also denied that the applicant was not promoted, though he

belongs to OBC category. It is further stated that no policemen in the establishment of Nagpur Police (Rural) who were appointed alongwith the applicant and the emplopyees belonging to OBC and Open category) have been promoted as Head Constable in 1998, as there was no reservation to the employees belonging to OBC in the promotion. It is further stated that the applicant has been granted first time bound promotion after completion of 12 yearsô of service on 25.8.1995 on the post of Police Naik and thereafter he was actually promoted on the same post and thereafter as a Head Constable on 1.1.2003. The applicant is, therefore, not entitled to the second time bound promotion as per condition laid down in Clause 2 (a) of the G.R. dated 1.4.2010.

5. I have perused the pleadings and the documents placed on record and also have gone through the arguments putforth by the learned counsel for the respective parties. Application has been vaguely drafted. The applicant has not clearly stated as to on what exact post he was appointed initially and other relevant particulars. It seems that the applicant was promoted as Police Naik and was also granted first time bound promotion and in the meantime, he was promoted on that post in a regular course Thereafter, he was promoted on the post of Head Constable and, therefore, there was no

reason for the respondents to grant second time bound promotion as claimed by the applicant. Unless and until the applicant is promoted to the post of ASI, he cannot claim deemed date of promotion to that post. The applicant could not place on record any documentary evidence to show that any of the junior officers to him have been promoted to the post of ASI. The promotion itself is not a vested right and, therefore, unless and until the applicant proves that somebody junior to him is promoted or that he was not considered for promotional post, there is no question of granting promotion or deemed date of promotion.

6. The respondents have placed on record one communication dated 5.2.2013 vide which it was specifically intimated to the applicant that he was not entitled to the promotion. He was also intimated about the reasons as to why he was not entitled to grant time bound promotion. The relevant two paras of the said communication are as under:-

> िवषयाि◌त संदभा◌वये सादर कर◌यात आले◌या अजाच्या अनुषंगाने कळ◌व◌यात येते क◌, पोल◌स हवालदार / १२५७ वसंता ल◌मन डाबरे यांचा पोल◌स ◌शपाई पदावर◌ नेमणुक◌चा ◌दनांक २५.८.१९८३ असून ◌यांना १२ वष◌ पूण◌ झा◌या◌या ◌दनांकापासून ◌हणजेच २५.८.१९९५ पासून कालब◌ध पदो◌नतीनुसार पोल◌स नाईक पदावर◌ वेतन◌णी मंजूर कर◌यात आल◌ व ◌दनांक २२.१०.१९९९ पासून पोल◌स नाईक पदावर ◌नय◌मत पदो◌नती दे◌यात आल◌ तसेच ◌दनांक १.१.२००३ पासून पोल◌स हवालदार पदावर पदो◌नती दे◌यात आलेल◌ आहे.

महाराष्ट्र शासन वित्त विभाग शासन निर्णय क्रमांक वेतन -११०९/प्र. क्र. ४४/ सेवा-३ दिनांक १ एप्रिल २०१० अन्वये राज्य शासकीय कर्मचाऱ्यांना सुधारित सेवांतर्गत आश्वासित प्रगती योजना लागू करण्यात आलेली आहे. तसेच "या योजनेखाली पात्र कर्मचाऱ्यांना त्यांच्या संपूर्ण सेवा कालावधीत कमाल दोन वेळा पदोन्नतीच्या पदाची वेतनसंरचना मंजूर करण्यात येईल. तथापि, तीन किंवा त्यापेक्षा जास्त पदोन्नती मिळालेल्या आहेत त्या कर्मचाऱ्यांस या योजनेखाली फक्त एकच लाभ अनुज्ञेय होईल" असे सदर शासन निर्णयात नमूद आहे.

7. The applicant has not challenged the aforesaid communication whereby his claim has been rejected in this O.A.

8. In view of the discussion in foregoing paras, I do not find any merit in this O.A. Consequently the C.A. directing the respondents to decide the representation dated 24.11.2000, 20.9.2011 and 2.9.2011 and the representation dated 22.10.2012 and 13.12.2012 also stand rejected for want of merit. Hence, the following order:-

Order

C.A.as well as the O.A. stand dismissed with no order as to costs.

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

pdg