

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR.**

**ORIGINAL APPLICATION NO. 706/2012.**

Anand Sitaramji Kumbhare,  
Aged about 57 years,  
Occupation-Service as Police Inspector,  
Wardha.

**Applicant.**

**-Versus-**

1. The State of Maharashtra  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai-32.

2. The Director General of Police (M.S.),  
Shahid Bhagat Singh Marg, Kolaba,  
Mumbai-39.

**Respondents.**

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**Shri Shashikant Borkar, Advocate for the applicant.**

**Shri B.D. Pandit, Ld. P.O. for the respondents.**

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**Coram:- The Hon'ble Shri Justice A.P.Deshpande  
Vice-Chairman and  
The Hon'ble Shri B. Majumdar,  
Member (A)**

**Dated:- 21<sup>st</sup> January, 2013.**

**Oral order**

**Per-Vice-Chairman**

The O.A. is taken up for final disposal at admission stage by consent of the learned Counsel for the respective parties.

2. Heard Shri Shashikant Borkar, the learned counsel for the applicant and Shri B.D. Pandit, the learned P.O. for the respondents.
3. By filing the present O.A., the applicant is seeking direction against the respondents to decide the representation dated 11.10.2003 for grant of deemed date of promotion to the applicant in the cadre of Police Inspector.
4. It is undisputed that the applicant's case was placed before the D.P.C. in the year 2002 for considering his fitness for grant of promotion to the post of Police Inspector. The D.P.C. found the applicant unfit, as there were adverse C.Rs for the year 1999-2000. It is also an admitted position that the said adverse C.Rs were expunged afterwards by the State Government vide letter/ order dated 29.5.2003 and the case of the applicant was again placed before the Review Committee. The ~~said~~ Review Committee, having found the applicant fit for grant of promotion, the applicant came to be promoted to the

post of Police Inspector vide order dated 30.9.2003. According to the applicant, other candidates whose cases were considered by the D.P.C. in the year 2002, were granted promotion on 15.2.2003 whereas the promotion of the applicant was delayed and made on 30.9.2003. It is for this reason that the applicant has moved representations to the State Government for granting him deemed date of promotion, but to no effect.

5. An affidavit in reply has been filed by the respondents today. In Para No.4 of the affidavit, the respondents have stated thus—

“The orders from the State Government are awaited on the proposal sent by this office on 5.5.2012 for grant of deemed date of promotion in the cadre of Police Inspector to the applicant”.

The learned P.O. submits that the Department has proposed grant of deemed date of promotion to the applicant, however, as yet no decision has been taken by the State Government. It is also stated in the said

paragraph that time be granted to the State Government to take a final decision on the proposal sent on 5.5.2012. Perusal of the affidavit placed on record leaves no room of doubt that not only the applicant is making representations for grant of deemed date of promotion since the year 2003, but even the office of respondent No.2 has favourably recommended grant of deemed date to the applicant vide proposal dated 5.5.2012. It is also not in dispute that the State Government is yet to take a decision on the representation so also the proposal submitted by the respondent No.2. In that view of the matter, we dispose of the present O.A. by passing the following order:-

- (1) We direct the respondent No.1 to take a decision on the proposal submitted by the respondent No.2 dated 5.5.2012 in the light of representation made by the applicant dated 11.10.2003, a copy of which is at Annexure A-2, within a period of two months from the date of service of copy of this order on the State Government.

(2) O.A. stands disposed of with no order as to costs.

Sd/-

(B. Majumdar)  
Member (A)

Sd/-

(Justice A.P. Deshpande)  
Vice-Chairman

Pdg