

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 294/2020 (S.B.)**

Kishor Laxman Muneshwar,  
aged about 56 years, Occ. Service,  
R/o Pannase Layout, Sonegaon, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Superintendent of Police (Wireless),  
Nagpur, Tah. & Dist. Nagpur.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.**  
**Shri A.,M. Ghogre, P.O. for respondents.**

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**WITH**  
**ORIGINAL APPLICATION No. 295/2020 (S.B.)**

Vinod Madhukarrao Deshpande,  
aged about 57 years, Occ. Service,  
R/o Mohannagar, Sadar,  
Nagpur, Tq. & Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.

- 4) The Superintendent of Police,  
Gadchiroli, Tq. & Dist. Gadchiroli.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.**

**Shri A.P. Potnis, P.O. for respondents.**

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**WITH**  
**ORIGINAL APPLICATION No. 296/2020 (S.B.)**

Ravindra Mahadeorao Paraye,  
aged about 58 years, Occ. Service,  
R/o O/o Police, Wireless Inspector, Bhandara.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Superintendent of Police,  
Bhandara, Tq. & Dist. Bhandara.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.**

**Shri S.A. Sainis, P.O. for respondents.**

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**WITH**  
**ORIGINAL APPLICATION No. 297/2020 (S.B.)**

Rajkumar Pandurang Sonpitale,  
aged about 57 years, Occ. Service,  
R/o B-22, Govind nagar, Pimpalgaon road,  
Yavatmal, Tq. & Dist. Yavatmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Superintendent of Police,  
Wardha, Tq. & Dist. Wardha.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.  
Shri A.M. Khadatkar, P.O. for respondents.**

**WITH**  
**ORIGINAL APPLICATION No. 298/2020 (S.B.)**

Wasudeo Mahadeorao Khopade,  
aged about 59 years, Occ. Service,  
R/o Unnati nagar, Kaulkhed, Akola,  
Tq. & Dist. Akola.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Superintendent of Police,  
Akola, Tq. & Dist. Akola.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.  
Shri V.A. Kulkarni, P.O. for respondents.**

**WITH**

**ORIGINAL APPLICATION No. 299/2020 (S.B.)**

Sanjay Shankarrao Dabbadwar,  
aged about 52 years, Occ. Service,  
R/o O/o Superintendent of Police, Wireless,  
Gadchiroli, Tq. & Dist. Gadchiroli.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Superintendent of Police,  
Gadchiroli, Tq. & Dist. Gadchiroli.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.  
Shri P.N. Warjurkar, P.O. for respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 300/2020 (S.B.)**

- 1) Narendra Kewalramji Darde,  
aged about Adult, Occ. Service,  
R/o Nagpur, Tq. & Dist. Nagpur.
- 2) Vinod Narayan Ghante,  
aged about 53 years, Occ. Service,  
R/o at Post Solapur, Tq. & Dist. Solapur.
- 3) Gunratna Suryabhanji Taksande,  
aged about 63 years, Occ. Service,  
R/o 71/1, Ganesh nagar, Surbhi Building,  
New Sangvi, Pune.

**Applicants.**

**Versus**

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

- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for applicant no.1.  
Shri Aditya Joshi, Advocate for applicant nos. 2&3 (Intervener)  
Shri M.I. Khan, P.O. for respondents.**

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**WITH  
ORIGINAL APPLICATION No. 301/2020 (S.B.)**

Anil Madhukar Tayade,  
aged about 57 years, Occ. Service,  
R/o Sapuda Government Quarters,  
Palaswadi Camp, Yavatmal, Tq. & Dist. Yavatmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Superintendent of Police,  
Yavatmal, Tq. & Dist. Yavatmal.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.  
Shri H.K. Pande, P.O. for respondents.**

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**WITH  
ORIGINAL APPLICATION No. 302/2020 (S.B.)**

Sadanand Nilkanthrao Thote,  
aged about 54 years, Occ. Service,  
R/o Tina Apart. Shila Nagar, Katol Road, Nagpur  
Tq. & Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Commissioner of Police, Nagpur  
Tq. & Dist. Nagpur.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.  
Shri A.M. Ghogre, P.O. for respondents.**

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**WITH  
ORIGINAL APPLICATION No. 303/2020 (S.B.)**

Dnyaneshwar S/o Haribhau Itadwar,  
aged about 56 years, Occ. Service,  
R/o Tina Apart. Shila Nagar, Katol Road,  
Nagpur, Tq. & Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Commissioner of Police, Nagpur  
Tq. & Dist. Nagpur.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.  
Shri S.A. Sainis, P.O. for respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 304/2020 (S.B.)**

Deepak Namdeoji Malame,  
aged about 55 years, Occ. Service,  
R/o Plot No.92, Lok Seva Nagar, Trimurti Nagar,  
Nagpur, Tq. & Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Commissioner of Police, Nagpur  
Tq. & Dist. Nagpur.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.  
Shri A.M. Khadatkar, P.O. for respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 311/2020 (S.B.)**

Anilkumar Vishwanath Polkey,  
aged about 57 years, Occ. Service,  
R/o Plot No.30, Banjerjee Layout Bhagwan nagar,  
Nagpur, Tq. & Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.

- 4) The Commissioner of Police, Nagpur  
Tq. & Dist. Nagpur.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.  
Shri V.A. Kulkarni, P.O. for respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 315/2020 (S.B.)**

Narendra Krushnarao Sahare,  
aged about 54 years, Occ. Service,  
R/o Saroncha, Tq. & Dist. Gadchiroli.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),  
Hutatma Chowk, near Regal Cinema, Mumbai.
- 3) The Additional Director of Police,  
Wireless Office, Pashan Road, Pune-5.
- 4) The Superintendent of Police,  
Gadchiroli, Tq. & Dist. Gadchiroli.

**Respondents.**

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**Shri S.N. Gaikwad, Advocate for the applicant.  
Shri P.N. Warjurkar, P.O. for respondents.**

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**Coram :- Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

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**Date of Reserving for Judgment : 17<sup>th</sup> December,2020.**

**Date of Pronouncement of Judgment : 24<sup>th</sup> December,2020.**



**COMMON JUDGMENT****(Delivered on this 24<sup>th</sup> day of December,2020)**

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. and other Id. P.Os. for the respondents in all O.As. except in O.A.No.300 of 2020.

2. Shri S.N. Gaikwad, Id. counsel for applicant no.1, Shri Aditya Joshi, Id. counsel for applicant nos.2&3 (Intervener) and Shri M.I. Khan, Id. P.O. for the respondents in O.A. 300 of 2020.

3. All the applicants were appointed as Assistant Sub Inspectors in Wireless Section of the Police Department, their respective dates of joining in the services and other details are as under –

Sr. No.	O.A. No.	Joined in service	Name	First Appointment	Date/Year of passing Examination	Date of birth	Date of attaining the age of 45 years
1	294/2020	10/09/1988	K.L. Muneshwar	ASI (wireless)	2014	5/2/1964	5/2/2009
2	295/2020	23/10/1982	V.M. Deshpande	ASI (wireless)	2016	1/8/1962	1/8/2007
3	296/2020	8/11/1982	R.M. Paraye	ASI (wireless)	18/2/2013	1/7/1962	1/7/2007
4	297/2020	28/8/1988	R.P. Sonpitale	ASI (wireless)	2014	20/7/1963	20/7/2008
5	298/2020	28/10/1985	W.M Khopade	ASI (wireless)	2014	20/6/1961	20/6/2006

Sr. No.	O.A. No.	Joined in service	Name	First Appointment	Date/Year of passing Examination	Date of birth	Date of attaining the age of 45 years
6	299/2020	21/10/1988	S.S. Dabbarwar`	ASI (wireless)	Class-II 2002	11/3/1967	11/3/2012
7	300/2020	10/9/1988 1/11/1989 9/10/1978	1. N.K. Darde 2.V.N.Ghante 3.G.S.Taksande	ASI (wireless)	18/2/2013 1991 --	1/7/1962 11/10/1967 30/4/1957	1/7/2007 11/10/2012 30/4/2002
8	301/2020	31/10/1989	A.M. Tayade	ASI (wireless)	2014	22/7/1962	22/7/2007
9	302/2020	23/11/1986	S.N. Thote	ASI (wireless)	2014	22/7/1965	22/7/2010
10	303/2020	15/6/1990	D.H. Ittadwar	ASI (wireless)	2012	6/11/1964	6/11/2009
11	304/2020	1/8/1988	D.N. Malame	ASI (wireless)	18/2/2013	29/6/1964	29/6/2009
12	311/2020	24/6/1985	A.V. Polkey	ASI (wireless)	2014	30/3/1963	30/3/2008
13	315/2020	1/8/1988	N.K. Sahare	ASI (wireless)	2014	12/6/1966	12/6/2011

4. The learned counsel for the applicants has filed on record Chart showing applicant's date of birth, date of appointment, date of passing examination and also post on which they joined in service. It is marked Exh-X for identification and taken on record. The above table is taken from same chart. The copies of chart are attached to the file of O.A.No.294/2020 and O.A.No.300/2020. The learned counsel for the applicants has filed copy of common Judgment in O.A. Nos. 422,431,432,433,434 & 473 of 2016 of this Tribunal only. The learned counsel for the applicants has relied on that Judgment. The issue involved in these O.As. are squarely covered by that Judgment.

5. It is grievance of all the applicants that they punctually and honestly performed the services till their retirement, but they were not given benefit of the scheme brought in force by the Government to give them time bound promotions as per the G.R. of 1995 and the benefits of the Assured Career Progressive Scheme as per the G.R. dated 20/7/2001 and as per later G.R. issued in 2010. It is contention of all the applicants that as per these G.Rs. the applicants were entitled to have two time bound promotions, first promotion on completion of 12 years service and the second promotion on completion of next 12 years service from the date of first time bound promotion. As the issues involved in all the applications are identical, therefore, all the applications are heard and decided by this common order.

6. It is contention of the learned counsel for the applicants that benefits of G.Rs. dated 8/6/1995, 20/7/2001 and 1/4/2010 were not given to the applicants for the reason that the applicants were unable to clear the Class-I examination as observed in Para-191 of the Bombay Police Manual. It is submission of the learned counsel for the applicants that it was not necessary for the applicants to pass the examination mentioned in Para-191 of the Bombay Police Manual and therefore, action of the respondents not giving benefits of the G.Rs. and time bound promotions to the applicants is in violation of law. It is

submitted that the direction be given to the respondents to issue time bound promotions to all the applicants in terms of the G.Rs. dated 8/6/1995,20/7/2001 and 1/4/2010.

7. The respondent no.3 submitted reply-affidavit on behalf of all the respondents and justified the action of the Department. The first contention of the respondents is that there is inordinate delay in approaching this Tribunal, therefore, all the applications are barred by limitation.

8. The second contention of the respondents is that as per the first G.R. dated 8/6/1995 there was a criteria for giving benefit of time bound promotion to the Government servant serving in Class-C and Class-D. According to the respondents for claiming the benefit of the G.R. a Government servant must be otherwise eligible for the promotion. It is submitted that as the applicants did not clear the Class I examination as per the norms of the Police Wireless Department, consequently the applicants were not entitled for the benefit of the G.R. dated 8/6/1995 and the subsequent G.Rs. It is submission of the respondents that the applicants have cleared the Class-I examination on the respective dates and year as mentioned in the reply. It is contention of the respondents that before clearing the examination, the applicants were not entitled for time bound

promotions or accrued Career Progressive. In view of this, it is submitted that all the applications are liable to be dismissed.

9. The learned counsel for the applicants has placed reliance on the Judgment delivered by the Hon'ble Bombay High Court, Division Bench at Aurangabad in Writ Petition No.3643/2009, on 21/11/2017. Before the Hon'ble High Court the issue was that whether the Assistant Police Sub Inspector in Wireless Section of Police Department was entitled for the relief of time bound promotion on completion of age 45 years without clearing the departmental examination. In that proceeding contentions were raised by the Petitioner that the G.R. was issued by the GAD, Government of Maharashtra and direction was given by the Government in the year 1977 to exempt the persons who have crossed 45 years of age from passing the departmental examinations and directions were issued to the Departments of State to carry out suitable amendments in the Service Rules applicable to the respective Departments. Before the Hon'ble High Court it was demonstrated that in spite of this direction, the various Departments of the Government (including wireless section of the Police Department) did not take any interest in framing the rules to give exemption to the Government servants from passing the departmental examination on completion of age of 45 years.

10. The Petitioner in Writ Petition No. No.3643/2009 (Mukund S/o Shankarlal Daima) was the Assistant Police Sub Inspector in Wireless Section of the Police Department and he joined service in the year 1980. The Petitioner cleared Class-IV examination and Class-III examination. Thereafter, he was unable to clear Class-II and Class-I examinations as per the norms fixed by the Department. In this situation, in Para-19 it is held by the Hon'ble High Court as under –

*“(19) In view of aforesaid, it would be appropriate that the petitioner employed in Wireless Section of Police Department is given benefit of promotion to the next level post without insisting upon departmental or Class-I and II examination, on attaining age of 45 years by giving deemed date of promotion. Since it is stated that petitioner is no longer in service having retired on superannuation, as such, he shall be given deemed date of promotion from the date of promotion of his junior, along with all consequential benefits.”*

11. In my opinion in view of the above discussion, it is not possible to accept submission canvassed by the learned counsel for the applicants that it was not at all necessary for the applicants to clear the departmental examinations as per the norms fixed by the Police Department, but in view of the law laid down by the Hon'ble Bombay High Court in Writ Petition No.3643/2009, I am of the view that on ground of parity, on completion of age of 45 years, each

applicant was entitled for the time bound promotion or the accrued Career Progressive as per the G.Rs. issued by the Government.

12. So for far as question of limitation is concerned, I do not see any merit in this contention of the respondents, for the reason that being a model employer, it should not lie in the mouth of the respondents that the applications are barred by limitation. As a matter of fact after the Judgment in Writ Petition No.3643/2009 it was necessary on the part of the respondents to examine the cases of the Police Personnel serving in Wireless Section of Police Department who had completed the age of 45 years but to whom time bound promotions or accrued Career Progressive benefits were not given and should have sue-motu granted them the reliefs.

13. The grievances of the applicants and relief clause are fully covered by the Judgment in Writ Petition No. 3643/2009 of Hon'ble Bombay High Court, Division Bench at Aurangabad.

14. In view of above discussions, I am compelled to say that the applicants are entitled for limited relief in these matters. In the result, I pass the following order -

### **ORDER**

The respondents are directed to issue time bound promotion / Assured Career Progressive benefit to the applicants from the date they have completed the age of 45 years. The respondents

shall fix the salary of the applicants, pay them the arrears and revise their pension. The respondents are directed to comply this order within six months from the date of this order. No order as to costs.

**Dated** :- 24/12/2020.

**(Shree Bhagwan)  
Vice-Chairman.**

dnk. .



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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 24/12/2020.  
and pronounced on

Uploaded on : 24/12/2020.

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