

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO 431 OF 2009

DISTRICT : NAGPUR

Shri Dhanu Domaji Masram,)
Occ : Service, R/o: 2/12)
Akar Builders, Pagalkhana Chowk,)
Nagpur.)...**Applicant**

Versus

1. The State of Maharashtra)
Through its Secretary,)
Home Department,)
Mantralaya, Mumbai – 32.)
2. The Director General of Police,)
Govt. of Maharashtra,)
Mumbai.)
3. The Commissioner of Police,)
Nagpur City, Civil Lines,)
Nagpur.)...**Respondents**

None for the Applicant.

Shri S.A Sainis, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman) (A)
Shri J.D Kulkarni (Vice-Chairman) (J)

DATE : 06.07.2017

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. None for the Applicant. Heard Shri S.A Sainis, learned Presenting Officer for the Respondents.
2. This Original Application has been filed by the Applicant seeking promotion to the post of Police Inspector from 6.12.2007, when he claims that his junior Shri Sakhalkar got promotion to the post of Assistant Police Inspector.
3. Learned Presenting Officer argued that this Original Application is not maintainable, as the Applicant had earlier filed O.A no 1150/1994 in Mumbai Bench of this Tribunal, which was rejected. The Applicant had filed Writ Petition no 2526/2001 before Nagpur bench of Hon'ble High Court, which remanded the matter to this

Tribunal by order dated 28.9.2001. By judgment and order dated 5.12.2002, Mumbai Bench of this Tribunal dismissed O.A no 1150/1994, in which the Applicant has sought promotion as Assistant Police Inspector w.e.f 24.12.1992.

4. The Applicant has admitted that he was promoted as Assistant Police Inspector on 18.3.1995, and as Police Inspector on 27.10.2000. The Applicant was not promoted to the post of Deputy Superintendent of Police / Assistant Commissioner of Police, when his juniors were promoted as Dy. S.P / A.C.P by order dated 6.12.2007. The Applicant claims that one Shri G.M Sakhalkar was junior to him in the cadre of Police Sub-Inspector. Shri Sakhalkar was promoted as A.C.P by order dated 6.12.2007, so the Applicant was also eligible to be promoted as A.C.P from 6.12.2007.

5. We have scrutinized the case papers. It is an admitted fact that Shri G.M Sakhalkar was promoted from the post of Police Sub-Inspector to that of Assistant Police Inspector on 24.12.1992, while the Applicant was promoted as Assistant Police Inspector on 18.3.1995. Obviously, Shri Sakhalkar became senior to the Applicant in the cadre of Assistant Police Inspector. Shri Sakhalkar was promoted as Police Inspector on 30.4.1993, while the Applicant was promoted as Police Inspector on 27.10.2000. As Shri Sakhalkar was not

junior to the Applicant in the cadre of Police Inspector, the Applicant cannot claim that he should be granted promotion as Dy. S.P/A.C.P from 6.12.2007, when Shri Sakhalkar was so promoted. We find that this Original Application has no merit.

6. Having regard to the aforesaid facts and circumstances of the case, this Original Application is dismissed with no order as to costs.

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

(Rajiv Agarwal)
Vice-Chairman (A)

Place : Nagpur
Date : 06.07.2017
Dictation taken by : A.K. Nair.