

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.224 OF 2019**

**DISTRICT : MUMBAI**

Shri Sanjay Damodar Patil. )  
Age : 53 Yrs., Police Inspector, )  
Mumbai Railway Police, Borivali Railway )  
Police Station, Mumbai – 400 092 and )  
Residing at 1404, Radhakrishna Pandurang )  
Wadi, Road No.3, Goregaon (E), )  
Mumbai – 400 062. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through Additional Chief Secretary, )  
Home Department, Mantralaya, )  
Mumbai – 400 032. )  
2. Director General of Police. )  
M.S, Having its office at Shahid )  
Bhagatsingh Marg, Coloba, )  
Mumbai. )  
3. Government of Maharashtra. )  
Through Principal Secretary )  
(Services), General Administration )  
Department, Mantralaya, )  
Mumbai – 400 032. )...**Respondents**

**Mr. M.D. Lonkar, Advocate for Applicant.**

**Mrs. A.B. Kololgi, Presenting Officer for Respondents.**

**CORAM : SHRI A.P. KURHEKAR, MEMBER-J**

**DATE : 16.12.2021**

**JUDGMENT**

1. The Applicant has challenged the legality of order dated 02.07.2018 whereby his claim for deemed date of promotion for the post of Assistant Police Inspector (API) w.e.f. 05.02.2001 instead of 14.02.2001 and deemed date of promotion for the post of Police Inspector w.e.f. 09.04.2003 instead of 12.01.2009 has been rejected by Respondent No.2 – Director General of Police, State of Maharashtra invoking jurisdiction of this under Section 19 of the Administrative Tribunals Act, 1985.

2. Following are the undisputed facts giving rise to his Original Application :-

- (i) Applicant joined as PSI on 15.06.1989.
- (ii) In gradation list of PSI, Applicant's name is at Serial No.331 whereas the name of his batch mate Shri Shaukat Jamadar, who is junior to him in the batch of PSI is at Serial No.333 (Page No.26 of Paper Book).
- (iii) While Applicant was posted as PSI at Borivali Police Station, he was arrested for the offence under Section 363, 368 read with 34 of Indian Penal Code on 15.09.1999 and came to be suspended by order dated 01.04.2000 (Page No.28 of P.B.).
- (iv) Since Applicant was under suspension, he was not considered for promotion to the post of API but junior to him were promoted as API by order dated 09.02.2001 (Page Nos. 31 to 40 of P.B.). In this order, the candidate at Serial No.348 – Keshav Shegale onwards are juniors to the Applicant, as evident from gradation list (Page No.26 of P.B.).

- (v) Suspension of the Applicant was revoked and he was reinstated in service by order dated 30.12.2003 (Page No.41 of P.B.).
- (vi) Again, Applicant came to be suspended by order dated 24.05.2005 in view of registration of another crime for the offence under Section 325 of IPC against him (Page No.44 of P.B.).
- (vii) Thereafter, he was reinstated in service by order dated 27.09.2005 (Page No.45 of P.B.).
- (viii) Criminal Case No.1589/2005 for the offence under Section 325 of IPC filed against the Applicant was ended in compromise in between complainant and Applicant and in view of compromise, the Applicant came to be acquitted by the learned Additional Chief Metropolitan Magistrate on 30.12.2014 (Page Nos.46 and 47 of P.B.).
- (ix) In so far as Criminal Case for the offence under Sections 363 and 368 read with 34 of IPC is concerned, the Applicant came to be acquitted by the learned Magistrate, Borivali on 02.03.2015 (Page Nos.48 to 57 of P.B.).
- (x) In view of acquittal on compromise under Section 325 of IPC, the D.E. which was initiated against the Applicant and kept pending came to be closed by order dated 18.09.2015 giving him understanding that in future, he will not behave in such irresponsible manner (Page No.60 of P.B.).
- (xi) Suspension period (30.05.2005 to 03.10.2005) in respect of suspension in view of registration of crime under Section 325 of IPC has been treated as duty period for all purposes by order dated 03.12.2015 (Page Nos. 63 and 64 of P.B.).

- (xii) Thereafter, Applicant was promoted to the post of API by order dated 13.01.2016 and joined at Nagpur (Page No.65 of P.B.).
- (xiii) As regard DE initiated in view of registration of crime under Sections 363 and 368 read with 34 of IPC, it was also dropped by order dated 18.02.2016 in view of his acquittal by Court (Page Nos.67 to 69 of P.B.).
- (xiv) Applicant then made representations dated 25.02.2016, 02.12.2016 and 23.03.2016 raising grievance that junior to him were promoted in 2001 to the post of API and then PI, and therefore, he claimed deemed date of promotion for the post of API (Page Nos.70 to 72 of P.B.).
- (xv) Suspension period from 15.09.1999 to 31.12.2003 in respect of suspension in view of registration of crime under Sections 363 and 368 read with 34 of IPC was treated as duty period for all purposes by order dated 30.03.2016 (Page No.73 of P.B.).
- (xvi) Representation made by the Applicant for deemed date to the post of API was considered and he was given deemed date of API w.e.f. 01.06.2001 since his case was considered for promotion to the post of API for select list of 2000 (Page Nos.75 and 76 of P.B.).
- (xvii) Applicant again made representation dated 02.01.2017 for deemed date of promotion w.e.f. 05.02.2001 on the ground that his junior Shri Shaukat Jamadar in the batch of PSI of 1989 has been given promotion on 05.02.2001 (Page No.78 of P.B.) and also claimed pay and allowances.
- (xviii) Applicant's representation was considered and he was given deemed date of promotion w.e.f. 14.02.2001 on the ground

that his junior Keshav S. Shengale was promoted to the post of API on that date (Page Nos.82 to 84 of P.B.).

- (xix) Then, by order dated 16.01.2017, the Applicant has been promoted to the post of PI and accordingly, joined on 22.01.2017 at Nagpur. That time, his eligibility was considered for the post of PI in the batch of 2008, as evident from order dated 21.12.2017 (Page No.90 of P.B.).
- (xx) Representations made by the Applicant were considered for deemed date of promotion in the post of PI and he was granted deemed date of promotion w.e.f. 12.01.2009 by fixing his seniority in the select list of 2008 above one Shri Raja S. Pawar. However, pay and allowances from deemed date of promotion were rejected and he was held entitled for pay and allowances only from 22.01.2017 i.e. the date he assumed the charge of promotional post (Page Nos.91 to 93 of P.B.).
- (xxi) Applicant again made representation dated 16.01.2018 claiming deemed date of promotion for the post of API w.e.f. 08.02.2001 and also claimed deemed date of promotion for the post of PI with pay and allowances by making representations dated 16.01.2018, 12.02.2018 and 15.10.2018 (Page Nos. 127 to 137 of P.B.).
- (xxii) However, Respondent No.2 rejected the representation by order dated 02.07.2018 stating that though PSI in the batch of 1989 were promoted to the post of API in 2001, they will be always senior to the PSI of 1987 batch, and therefore, the Applicant held not entitled to deemed date of promotion as claimed by him (Page No.138 of P.B.).

3. It is on the above background, the Applicant has challenged the order dated 02.07.2018 whereby Respondent No.2 rejected his claim for deemed date of promotion in the post of API w.e.f. 05.02.2001 as well as deemed date of promotion for the post of PI w.e.f. 09.04.2003. The Applicant has been given deemed date of promotion for the post of API w.e.f. 14.02.2001 and he was also given deemed date of promotion for the post of PI w.e.f. 12.01.2009.

4. Shri M.D. Lonkar, learned Advocate for the Applicant sought to contend that the Respondents ought to have considered deemed date of promotion given to the batch mate of the Applicant since at the relevant time, the Applicant could not be promoted, and therefore, the Applicant needs to be compensated by granting deemed date of promotion which was given to his batch mate of 1989 for the post of API and if the said deemed date of promotion is accepted, then consequently, he will be entitled for deemed date of promotion for the post of PI on the basis of his upgradation in seniority in the feeder cadre of API. He, therefore, claimed that the Applicant deserves to be granted deemed date of promotion for the post of API w.e.f. 05.02.2001 as well as deemed date of promotion for the post of PI w.e.f. 09.04.2003 with consequential service benefits viz. pay and allowances for the said period.

5. Per contra, the learned P.O. sought to contend that Applicant's claim for deemed date of promotion is considered batch-wise and he cannot be compared with the Officers who have joined prior to his batch. In impugned order also, the claim of deemed date of promotion and pay and allowances was rejected on the ground that the seniority of the Applicant will have to be considered and restricted to his original batch of 1989 only and he cannot compare his seniority with the batch of 1987, since Police Personnel promoted in 1987 batch will be always senior to the Applicant. Para Nos.3 and 5 of the impugned order is material, which is as under :-

“३. दि.१५/०६/१९८७ व दि.१५/०६/१९८९ च्या तुकडीतील पोउपनि यांना सन-२००१ मध्ये सपोनि पदी पदोन्नती देण्यात आली असली तरी, दि.१५/०६/१९८७ च्या तुकडीतील सपोनि सेवाज्येष्ठतेने ज्येष्ठच राहतील त्यांची सेवाज्येष्ठता दि. १५/०६/१९८९च्या तुकडीतील पोउपनि यांना मंजूर करणे अनुज्ञेय ठरणार नाही. शासन निर्णय दि. ०२/०२/२००६ नुसार मानीव दिनांक हा सेवाकनिष्ठ सहका-यांचा देण्यात येतो सेवाज्येष्ठ असणा-यांचा देण्यात येत नाही. तरी श्री. पाटील यांनी त्यांचे दि. १२/०२/२०१८ च्या अर्जात नमूद केलेले अधिकारी हे त्यांना सेवाज्येष्ठ/ वरिष्ठ आहेत.

५. दि.१५/०६/१९८९ च्या तुकडीतील पोलिस उप निरीक्षकांना सपोनि. पदाची पदोन्नती सन-२००१ मध्ये देण्यात आली आहे व पोनि पदातील पदोन्नतीकरता सन-२००८ च्या निवडसूची वर विचार होऊन सन-२००९ मध्ये पोनि पदी पदोन्नती देण्यात आली आहे. श्री. पाटील दि. १५/०६/१९८९च्या तुकडीतील पोउपनि असल्याने त्यांची पात्रापात्रता सन-२००८ च्या निवडसूचीवर तपासून त्यांना या कार्यालयाच्या समक्रमांकित दि. २१/१२/२०१७ च्या आदेशान्वये पोनि पदाचा मानीव दिनांक मंजूर करण्यात आला व तो बरोबर आहे. सदर प्रकरणात प्रशासकीय कारणास्तव विलंब झालेला नाही. त्यामुळे श्री. पाटील यांना कोणतेही वेतन, भत्ते व त्या कालावधीतील थकबाकी मंजूर करणे अनुज्ञेय ठरणार नाही.”

6. In view of pleadings and submissions advanced at the Bar, the issues posed for consideration are two-fold. Firstly, whether Applicant is entitled to deemed date of promotion for the post of API w.e.f. 05.02.2001 as against 14.02.2001 granted to him and for deemed date of promotion for the post of PI w.e.f. 09.04.2003 as against 12.01.2009 granted to him and secondly, whether entitled to pay and allowances from deemed date of promotion claimed by him or from the dates already granted to him.

7. Needless to mention, deemed date of promotion is always given where a Government servant is not promoted when he is in the zone of consideration due to pendency of DE, criminal prosecution or due to administrative lapses and later considered on exoneration from the charges. Thus, the deemed date of promotion of junior is always considered as deemed date of promotion for such superseded Government servant.

8. Now turning to the facts of the present case, it is apparent from the record that Applicant was facing two criminal cases as well as departmental enquiry was also pending and that was the reason for not promoting him. The Applicant was also suspended twice. Suffice to say, because of suspension, pendency of criminal case and departmental enquiries, the D.P.C. found him unfit for promotion in the select list of 2002, 2003, 2004, 2006, 2007 and 2008, as seen from order dated 06.05.2016 (Page No.75 of P.B.). It is only after revocation of suspension,

acquittal on compromise in case under Section 325 of IPC and acquittal in a case under Section 363 and 368 of IPC, the departmental proceedings were dropped. Thereafter, by order dated 13.01.2016, the Applicant is promoted to the post of API and thereafter promoted to the post of PI on 22.01.2017 considering his eligibility in the batch of 2015-2016. Later, on his representations, the deemed date of promotion to the post of API was granted w.e.f. 14.02.2001 as per order dated 30.03.2017 considering his entitlement in the batch of API of 2000. That time, Mr. Sanjay B. Sawant who was next to him in seniority had taken charge of the promotional post belatedly, and therefore, the date of joining of next junior Mr. Keshav S. Shegale who has assumed the charge on 14.02.2001 was granted to the Applicant. Whereas, deemed date of promotion for the post of PI was also granted w.e.f. 12.01.2009 considering his seniority in 2008 select list with comparison to date of promotion given to Mr. Raja S. Pawar w.e.f. 12.01.2009. The Applicant was however held entitled to pay and allowances only from the date of actual assumption of charge of promotional post and deemed date was granted for the purpose of fixation of pay and seniority.

9. Now Applicant is claiming deemed date of promotion for the post of API w.e.f. 05.02.2001 contending that Mr. Shaukat Jamadar who belongs to same batch (1989) junior to the Applicant was granted deemed date of promotion w.e.f. 05.02.2001. Admittedly, Mr. Jamadar and Applicant belong to same batch of 1989. The perusal of gradation list of PSI as on 01.01.2003 (Page No.26 of P.B.) reveals that the Applicant was at Serial No.331 whereas Mr. Jamadar was at Serial No.333. It is also not in dispute that Mr. Jamadar has been promoted by order dated 05.02.2001 as API. The learned P.O. sought to contend that Mr. Jamadar was promoted to the post of PI on 30.05.2009 whereas Applicant was given deemed date to the post of PI w.e.f. 12.01.2009 which is earlier, and the question of superseding by junior did not arise. Here, material question is not about the gradation in PI, but the question of gradation in the post of API since admittedly Mr. Jamadar was junior

to the Applicant and was given promotion to the post of API w.e.f. 05.02.2001. Applicant's claim for deemed date of promotion ought to have been granted to the Applicant w.e.f. 05.02.2001. Suffice to say, as regard promotion in the cadre of API which is next promotional cadre above PSI, the Applicant's claim for deemed date of promotion w.e.f. 05.02.2001 will have to be held justified as against 14.02.2001 granted to him by the Respondents.

10. Now, we need to see the effect of grant of deemed date of promotion to the Applicant in the post of API w.e.f. 05.02.2001 so as to consider his claim for deemed date of promotion in the post of P.I. For the post of P.I, the feeder cadre is API. This being the position, the promotions were required to be considered on the basis of seniority in feeder cadre of API and not in the original seniority of original batch of appointment. Otherwise, the result would be that where even when promotion is granted to the post of API, but his claim is considered as per original batch-wise seniority, it would be amounting to ignoring promotion in the post of API. If one get promotion from the post of PSI to API, naturally, he would come up in the gradate list of API and API being feeder cadre for the post of PI, the promotions are required to be considered on the basis of gradation in API cadre. It is settled principles of law that seniority has to be counted on the basis of gradation in feeder cadre for next promotional post and concept of batch-wise seniority is unknown to law. Therefore, the submission advanced by the learned P.O. that Applicant's claim for promotion is always considered retaining his gradation in the batch of appointment of 1989 is totally unpalatable.

11. Now it comes claim of Applicant for deemed date of promotion to the post of P.I. The Applicant is comparing his case with one Mr. Shankar Kale who belongs to 1987 batch. However, admittedly, he was given deemed date of promotion on 05.02.2001. The learned Advocate for the Applicant contends that if Applicant is granted deemed date of promotion w.e.f. 05.02.2001, in that event, the Applicant would be next

to Mr. Shankar Kale, and therefore, he is entitled to deemed date of promotion w.e.f. 05.02.2001. In alternative, he submits that deemed date of promotion given to next candidate Mr. Ramprasad N. Ghule i.e. 15.03.2005 has to be granted to the Applicant. In gradation list of P.I. for 2018, Shri Shankar Kale is at Serial No.70 whereas Shri Ghule is at Serial No.324. As stated above, for the post of P.I, API is the feeder cadre and once Applicant is granted deemed date of promotion w.e.f. 05.02.2001, he was next to Shri Kale in the cadre of API and consequently, would be entitled to deemed date of promotion given to next candidate viz. Shri Ghule to whom was given deemed date of promotion on 15.03.2005. True, Shri Kale and Shri Ghule belong to batch of 1987 whereas Applicant belongs to batch of 1989. However, once deemed date of promotion granted to the Applicant, he was step-up in gradation list of API, and therefore, his claim for deemed date of promotion in the cadre of PI w.e.f. 15.03.2005 is quite reasonable and deserves acceptance.

12. Now question comes about pay and allowances for the period from grant of deemed date of promotion. Here, material to note that this is not a case where Applicant's case was not considered due to administrative mistake or supersession by the Department. He was superseded because of pendency of two criminal cases as well as departmental enquiries initiated against him. Later, he was acquitted in criminal cases and DEs were also closed with warning. As such, this is not a case where Applicant can be said deprived of promotional avenues for no fault on his part. The Applicant was granted pay and allowances from the date of assumption of charge of promotional post and denied pay and allowances on the principle of 'no work no pay' and on the basis of Rule 32 of Maharashtra Civil Services (General Conditions of Services) Rules, 1981 (hereinafter referred to as 'Rules of 1981' for brevity), which is as under :-

**“32. How the date of promotion is determined :**

The promotion of a Government servant from a lower to a higher post, his duties remaining the same, takes effect from the date on which the vacancy occurs, unless it is otherwise ordered. But when the promotion involves the assumption of a new post with enlarged responsibilities, the higher pay is admissible only from the date on which the duties of the new post are taken.”

13. The issue of pay and allowances with retrospective effect of promotion has been considered by Hon’ble Supreme Court in various Judgments. Shri M.D. Lonkar, learned Advocate for the Applicant referred to following decisions for pay and allowances from deemed date of promotion.

(i) AIR 2015 SC 2904 (Ramesh Kumar Vs. Union of India) wherein the Hon’ble Supreme Court held that in normal circumstances when retrospective promotions are effected, the benefit flowing therefrom including monetary benefits must be extended to an employee who has been denied promotion earlier and the principle ‘no work no pay’ cannot be accepted as a rule of thumb and matter needs to be considered on case to case basis. In Para No.13, the Hon’ble Supreme Court held as follows :

*“13. We are conscious that even in the absence of statutory provision, normal rule is “no work no pay”. In appropriate cases, a court of law may take into account all the facts in their entirety and pass an appropriate order in consonance with law. The principle of “no work no pay” would not be attracted where the respondents were in fault in not considering the case of the appellant for promotion and not allowing the appellant to work on a post of Naib Subedar carrying higher pay scale. In the facts of the present case when the appellant was granted promotion w.e.f. 01.01.2000 with the ante-dated seniority from 01.08.1997 and maintaining his seniority alongwith his batchmates, it would be unjust to deny him higher pay and allowances in the promotional position of Naib Subedar.”*

In this case, the Hon’ble Supreme Court also referred to its earlier decision in **AIR 2007 SC 2645 (State of Kerala Vs. E.K. Bhaskaran Pillai)** wherein it was held that the principle of ‘no work no pay’ cannot be accepted as a rule of thumb and the matter

will have to be considered on case to case basis. In **Bhaskaran Pillai's** case, the Hon'ble Supreme Court in Para No.4 held as follows :-

*“4. We have considered the decisions cited on behalf of both the sides. So far as the situation with regard to monetary benefits with retrospective promotion is concerned, that depends upon case to case. There are various facets which have to be considered. Sometimes in a case of departmental enquiry or in criminal case it depends on the authorities to grant full back wages or 50 per cent of back wages looking to the nature of delinquency involved in the matter or in criminal cases where the incumbent has been acquitted by giving benefit of doubt or full acquittal. Sometimes in the matter when the person is superseded and he has challenged the same before court or tribunal and he succeeds in that and direction is given for reconsideration of his case from the date persons junior to him were appointed, in that case the court may grant sometimes full benefits with retrospective effect and sometimes it may not. Particularly when the administration has wrongly denied his due then in that case he should be given full benefits including monetary benefit subject to there being any change in law or some other supervening factors. However, it is very difficult to set down any hard-and-fast rule. The principle “no work no pay” cannot be accepted as a rule of thumb. There are exceptions where courts have granted monetary benefits also.”*

(ii) **(2016) 16 SCC 663 (Shobha Ram Raturi Vs. Haryana Vidyut Prasaran Nigam Limited)**. In that matter, the order of retirement was challenged. The Hon'ble Punjab and Haryana High Court set aside the retirement order. However, the monetary benefits were refused on the principle of 'no work no pay'. However, when the matter was taken up before Hon'ble Supreme Court, the monetary benefits/back-wages were granted on the ground that the principle of 'no work no pay' cannot be applied where fault lies with the Respondents in not having utilized the services of the Appellants for the period from 01.01.2003 to 31.12.2005. In Para No.3, the Hon'ble Supreme Court held as follows :-

*“3. Having given our thoughtful consideration to the controversy, we are satisfied, that after the impugned order of retirement dated 31.12.2002 was set aside, the appellant was entitled to all consequential benefits. The fault lies with the respondents in not*

*having utilised the services of the appellant for the period from 1.1.2003 to 31.12.2005. Had the appellant been allowed to continue in service, he would have readily discharged his duties. Having restrained him from rendering his services with effect from 1.1.2003 to 31.12.2005, the respondent cannot be allowed to press the self-serving plea of denying him wages for the period in question, on the plea of the principle of "no work no pay".*

(iii) **(1991) 4 SCC 109 (Union of India and Ors. Vs. K.V. Jankiraman)**. Para No.25 of the Judgment is relied upon, which is as follows :

**"25.** We are not much impressed by the contentions advanced on behalf of the authorities. The normal rule of "no work no pay" is not applicable to cases such as the present one where the employee although he is willing to work is kept away from work by the authorities for no fault of his. This is not a case where the employee remains away from work for his own reasons, although the work is offered to him. It is for this reason that F.R. 17(1) will also be inapplicable to such cases."

(iv) Judgment of Hon'ble Bombay High Court in **Writ Petition No.6794/2018 (State of Maharashtra Vs. Smt. Manda Deshmukh) decided on 14<sup>th</sup> September, 2018**. This Writ Petition was filed challenging the Judgment passed by this Tribunal in O.A.1010/2016 decided on 06.04.2017. In this O.A, the monetary benefits were refused relying upon Rule 32 of 'Rules 1981'. The Tribunal referred to the decisions in **Jankiraman's** case and **Ramesh Kumar's** case (cited supra) and held that the principle 'no work no pay' will not apply where an employee was illegally deprived of the opportunity to work upon such a post. The decision rendered by this Tribunal has been confirmed by Hon'ble High Court in **Writ Petition No.6794/2018** with modification to the extent of interest.

14. Thus, the principles enunciated in these authorities is that where a Government servant is deprived of working on promotional post for no fault on his part or due to sheer mistake of the Department, then principle of 'no work no pay' will not attract. In situation where employee

was willing to work but kept away from promotional post by Department for no fault on his part, in that event, the Court may grant pay and allowances and there is no hard and fast rule as to how much pay and allowances has to be granted. As such, the principle of 'no work no pay' cannot be accepted as a rule of thumb and there are cases where Court can grant monetary benefits considering facts of the case.

15. Now turning to the facts of the present case, as stated above, the Applicant was facing two criminal cases, departmental enquiries and he was also under suspension twice. Only because suspension has been regularized by treating suspension period as duty period, that *ipso-facto* does not entitle the Applicant for grant of pay and allowances on the promotional post on which he admittedly did not work. It is after closing departmental enquiries and acquittal in criminal case, he was required to be considered for promotion and accordingly got promoted. On his representations, the deemed date of promotion was granted in the cadre of API as well as PI, but denied pay and allowances. Suffice to say, he is not superseded wrongly or due to any lapse on the part of administration. In such situation, his claim for pay and allowances from deemed date of promotion given by the Department as well as now considered by the Tribunal will have to be rejected. Rule 32 of 'Rules of 1981' is squarely attracted.

16. The totality of aforesaid discussion leads me to conclude that the Applicant is entitled to deemed date of promotion in the cadre of API w.e.f. 05.02.2001 and also entitled for deemed date of promotion in the cadre of PI w.e.f. 15.03.2005 which was granted to Mr. Ghule. However, his claim for pay and allowances from deemed date of promotion holds no water and deserves to be rejected. Hence, the order.

**ORDER**

- (A) The Original Application is allowed partly.
- (B) The Applicant is held entitled to deemed date of promotion in the post of API w.e.f. 05.02.2001 and also entitled to deemed date of promotion in the post of P.I. w.e.f. 15.03.2005.
- (C) Applicant's claim for pay and allowances from deemed date of promotion stands rejected.
- (D) No order as to costs.

Sd/-  
**(A.P. KURHEKAR)**  
**Member-J**

Mumbai

Date : 16.12.2021

Dictation taken by :

S.K. Wamanse.

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