

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 576/2008**

Mr. Krushnarao S/o Warluji Durugkar,  
Aged abut 65 years, R/o Plot no.164, KGN Society,  
Jagdish Nagar, Katol Road, Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Chief Secretary  
Mantralaya, Mumbai-32.
- 2) The Director General of Police,  
Maharashtra State, Mumbai  
Near Regal Cinema, Mumbai-32.
- 3) The Commissioner of Police,  
Civil Lines, Nagpur.
- 4) The Addl. Director General of Police and Director  
of Police (Wireless), M.S., Dr. Bhabha Marge,  
Pune-411008.
- 5) The Supdt. of Police (Wireless),  
Katol Road, Nagpur-440013.

**Respondents**

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**S/Shri S.A. Kalbande, J.S. Kalbande, Advs. for the applicant.**

**Shri A.M. Ghogre, P.O. for the respondents.**

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**Coram :- Hon'ble Shri Rajiv Agrawal, Vice Chairman  
and  
Hon'ble Shri J.D. Kulkarni, Member (J).**

**Dated :- 06/01/2017.**

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**ORDER -****PER : MEMBER (J).**

The applicant was appointed on the post of Police Constable on 13-07-1965. On 30-11-1984 he was transferred to the office of Superintendent of Police, M.T. Section, Pune. In 1986 He was sent for training of Driver and after successful training, he was assigned the work of Driver. During the period from 1979 to 2004 the applicant was rewarded for his best performance. On 08-02-2000 he was designated as Nayak-Chalak Sipahi in the Pay Scale of Rs. 950-20-1150-25-1500. The applicant got retired on superannuation on 31-07-2004.

2. During his service the applicant filed the representation on 30-04-2002 for getting promotion on the post of Head Constable and A.S.I. Similar representation was filed on 03-05-2002 also. But the applicant was never promoted till his retirement.

3. On 11-05-2007 the respondent no.3, i.e., the Commissioner of Police, Civil Lines, Nagpur issued an order of promotion whereby Police Constables on the post of N.P.C., Head Constable and A.S.I. were promoted with retrospective effect since 1993 to 2001. Several juniors to the applicant were promoted in the said list and therefore the applicant filed this O.A.

4. The applicant has claimed a declaration that the respondents have committed discrimination by not giving benefit of promotion of Head Constable, ASI and PSI to the applicant during his service tenure in between 1964 to 2004. He is also claiming direction to respondents to give benefit of such promotion to him in view of the Circular dated 11-05-2007 and the relevant consequential benefits.

5. The respondent no.4 has resisted the claim. According to respondents even though the applicant was recruited as Unarmed Police Constable in the year 1965, the applicant on his own request changed his cadre as A.P.C. Driver and got transferred to the Superintendent of Police (Wireless), East Zone, Nagpur i.e. with respondent no.5. There was no sanctioned post of Executive Force on the establishment of Police Wireless Department and the applicant was not eligible as per his seniority. The applicant was already given benefit of time bound pay scale in the Pay Scale of Rs.4000-100-6000 vide order dated 11-11-1999 on completion of 12 years regular service on the post of A.P.C. Driver. He was also given regular promotion as Police Naik Driver vide order dated 21-06-2003.

6. We have heard Shri S.A. Kalbande, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents. We

have also perused affidavits, affidavits-in-reply, rejoinders-affidavit and various documents placed on record.

7. It is not disputed that even though the applicant was appointed as Police Constable initially, he himself got changed the cadre and was posted as Driver. The applicant was therefore transferred on the establishment of Police (Wireless) on his own request and not only that in the said cadre he was given benefit of time bound promotion and also was subsequently promoted as Police Naik. At the time of retirement he was A.P.C. Driver.

8. The learned counsel for the applicant submits that vide impugned order dated 11-5-2007 as many as 36 Police Head Constables were promoted with retrospective effect. The said order shows that the retrospective effect has been given to the order of promotion as per Home Department order dated 17-11-1989 and DGP's Circular dated 1-3-1999. It is stated that the applicant should have been at sr.no.3 in the said order as per his seniority.

9. We have perused the impugned order dated 11-05-2007 passed by the respondent/ authority. It is material to note that the said order of promotion is in respect of Police Head Constables of Armed and Unarmed Constabulary. It seems that the Armed and Unarmed Constabulary Officers' list was amalgamated and it was

noticed that some of the Officers were not given effect of promotion though there was such amalgamation and in order to rectify that mistake the Head Constables were promoted to the post of ASI with retrospective effect. The learned counsel for the applicant could not point out as to how the said impugned order dated 11-05-2007 concerns the applicant, since the applicant is neither from Armed Branch nor from Unarmed Branch but his cadre is separate and therefore in any case the applicant's name cannot find place in the impugned order dated 11-05-2007. We, therefore, do not find any illegality in the order dated 11-05-2007. We are therefore satisfied that the applicant's claim cannot be considered while promoting the Head Constables belonging to Armed and Unarmed Branches. We, therefore, do not find any discrimination in not promoting the applicant as alleged by the applicant. Hence, we pass following order :

**ORDER**

10. The O.A. stands dismissed with no order as to costs.

**(J.D.Kulkarni)**  
**Member (J)**

**(Rajiv Agrawal)**  
**Vice-Chairman.**