

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 653 of 2009

Bhikanrao S/o Shyamrao Bibne,
Aged about 58 years, Occ. Service,
R/o C/o P.I. Naxal Cell, Bhandara.

Applicant.

Versus

- 1) State of Maharashtra,
Home Ministry, Mantralaya, Mumbai
through its Secretary.
- 2) The Director General of Police,
Maharashtra State, Mumbai.

Respondents

Shri G.G. Bade, P.P. Dhok, Advocates for the applicant.

Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

JUDGEMENT

(Delivered on this 9th day of August,2017)

Heard Shri P.P. Khaparde, Id. Counsel holding for Shri
G.G. Bade, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

2. In this O.A. the applicant is claiming deemed date of promotion on the post of Police Inspector w.e.f. 1992.

3. The applicant came to be appointed as Police Sub Inspector in July, 1981. His entire service record is clean and excellent. He was entitled to promotion to the post of Police Inspector in the year, 1992, but he was not considered and his juniors were promoted. His C.Rs. were also "Good". He made various representations to the Government, but his representations were not considered and hence this O.A. The reply-affidavit has been filed by respondent no.2, i.e., the Director General of Police, Maharashtra State, Mumbai. The respondent no.2 tried to justify the action taken by respondent authority. It is stated that the representations of the applicant were considered. His representations dated 19/6/2008 and 17/7/2008 were kept before the competent authority and his case was also placed before DPC of 1992. However, the applicant was found not fit and therefore he was not promoted. It is stated that the claim of the applicant is barred by limitation.

4. It is material to note that the applicant has filed this O.A. in the year 2009 in which he is claiming deemed date of promotion from 1992. Prima facie the application seems to be barred by limitation. No application for condonation of delay has been filed by the applicant for the reasons best known to him. However, since the application is

being considered on merits, it is necessary to see as to whether there is any merit in the O.A. According to the applicant, he was due for promotion to the post of Police Inspector (PI) in 1992 itself. However, from the pleading it seems that the applicant has filed representations for such promotion for the first time in 2006. He has placed on record the copies of representations dated 19/2/2006, 15/7/2006 & 12/12/2006. These copies are at P.B. page nos. 13 to 20. The applicant has not given any reason as to why representations have been filed such a belated stage.

5. The respondent no.2 has stated in the reply-affidavit that the applicant's case was considered as per his seniority on the select list of 1992 for promotion for the post of Police Inspector (PI). However the applicant was found unfit by the DPC and therefore he was not promoted. In November,1992 a separate cadre for the post of API was created in between the post of PSI and to PI and that time his case was also considered. Since the applicant was found fit for the post of API he was promoted on 29/9/1995. Again in the year 2000 applicant's case was considered for the post of PI and he was found not fit. In the DPC of 2003, the DPC took a decision to wait for one year's ACR of the applicant. The applicant was under suspension w.e.f. 21/3/1999 to 29/10/1999. The said period was treated as duty period and again the applicant's case was considered in the DPC of

2004. In the said DPC, the applicant was found fit and therefore and therefore he was promoted to the post of PI w.e.f. 16/11/2005.

6. It seems from the reply-affidavit that the applicant has filed representation for expunging of adverse ACR and the same was rejected. The applicant was having adverse ACRs for the year 1997-98 and 1998-99. It is stated that the adverse remarks were communicated to the applicant. The applicant made representation against adverse remarks of ACR of the year 1991-92 and the same was turned down vide letter dated 2/6/2005. The applicant was found unfit in the year 1992.

7. The respondents have also placed on record the Minutes of DPC meeting along with reply-affidavit. On perusal of the said DPC meeting, it seems that the applicant's case was considered from time to time and since he was not found fit for promotion of PI, he was not promoted. The applicant came to be promoted when he was found fit for promotion. I, therefore, do not find any merits in the claim of the applicant. The applicant tried to justify his claim for promotion by filing rejoinder and has stated so many things about his ACRs for various years. I do not find any reason for going into the details of the said rejoinder-affidavit since for the first time the applicant is trying to bring certain facts and trying to add something in the pleadings that too by way of filing rejoinder.

8. In view of the discussion in foregoing paras, I therefore pass the following order -

ORDER

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

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

dnk.