

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 142 of 2011 (D.B.)**

Mahadeo S/o Sampat Meshram,  
Aged 58 years, Occ. Service, R/o Tukum, Behind  
Police Hospital, Hanuman Mandir, Chandrapur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Home,  
Mantralaya, Mumbai-32.
- 2) Superintendent of Police, Chandrapur,  
Civil Lines, Chandrapur.

**Respondents.**

---

**Shri R.V. Shiralkar, V. Bhise, Advocates for the applicant.  
Shri A.P. Potnis, learned P.O. for respondents.**

---

**Coram :- Hon'ble Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Hon'ble Shri Shree Bhagwan, Member(A).**

---

**ORAL ORDER**

**PER : V.C.(J).**

**(Passed on this 12<sup>th</sup> day of September,2018)**

Heard Shri R.V. Shiralkar, learned counsel for the  
applicant and Shri A.P. Potnis, learned P.O. for the respondents.

2. According to the applicant, he was appointed as  
Police Constable on 09/08/1977 and was promoted as Naik on

30/09/1993. However vide order dated 29/12/1995 the said promotion was cancelled and he was promoted w.e.f. 22/10/1995 on the post of Naik instead of 1993. The applicant thereafter was promoted as a Police Hawaldar on 27/08/1994, but said order was cancelled vide order dated 03/09/1994 and subsequently the applicant was promoted to the post of Police Hawaldar in October, 2000. According to the applicant, some juniors to him were promoted to the post of Assistant Sub Inspector (ASI) on 29/12/2001 and therefore he filed O.A.No.223/2009 which was decided on 11/06/2009. The Tribunal was pleased to direct the respondent authorities to consider the representation of the applicant. Accordingly, the representation of the applicant has been considered vide impugned communication dated 16/02/2010 and it was assured to the applicant that he will be promoted from ST category in 2009. According to the learned counsel for the applicant, junior persons are promoted and therefore he is claiming deemed date of promotion.

3. The impugned communication dated 16/02/2010 and the relevant para therein reads as under :-

*^ vud fpr tekri ; k i dxkr fnukd 01@09@2000 jksth i kyhl gokyntj Eg.ku  
inktur >kyv; k de p k; kuk fnukd 30@12@2009 jksth l gk; d i kyhl Qksthkj*

*i nkph i nktburh ns; kr vkysyh vkgs vki Y; k l oktsBraud kj i nktburh dehVHP; k f'kQkj 'kh ud kj vki .kkd l gk; d i kyhl mi fujh{kcd i nkph i nktburh ; bdy-*

*l /; k vki Y; k fo#/n foHkkxh; pksd'kh i Lrkfor vl q foHkkxh; pksd'khp; k fu.kz kvarh i nktburh dehVHP; k f'kQkj 'kh ud kj i nktburh l mHkkR fu.kz ?ks; kr ; bdy-\*\**

4. The learned counsel for the applicant submits that the applicant will be satisfied if he is promoted from 2009 i.e. w.e.f. 30/12/2009 as mentioned in the letter. However said order was not passed on the ground that the departmental enquiry was contemplated. The learned counsel for the applicant submits that the applicant got retired on superannuation on 31/01/2011 and till the date of his retirement no departmental inquiry was conducted against him. The learned P.O. also admits that no departmental inquiry was conducted against the applicant till his retirement. In view thereof, there is no hurdle in granting promotion to the applicant w.e.f. 30/12/2009 as stated in the communication dated 16/02/2010. The applicant has already been promoted as ASI w.e.f. 07/07/2010 and therefore the only question of granting deemed date of promotion remains.

5. In view thereof, the O.A. is partly allowed. The respondents are directed to grant deemed date of promotion to the post of Assistant Sub Inspector (ASI) to the applicant w.e.f. 30/12/2009 vide communication dated 16/02/2010 and the consequential financial benefits as may be admissible as per law.

The necessary order shall be followed within three months from the date of this order. No order as to costs.

**(Shree Bhagwan)**  
**Member(A).**

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

**Dated :- 12/09/2018.**  
dnk.