

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 104 of 2023 (S.B.)****APPLICANTS :**

1. Shankardayal Bhagwandin Shukla, aged about 62 years, Occupation: Retired (Wireless Operator), R/o Pension nagar Plot No. 214, Police Line Takali, Katol road, Nagpur.
2. Sidharth Sevkaji Mandpe, aged about 62 years, Occupation: Retired (ASI-Head Wireless Operator), R/o 33, Behind Anjanadevi Sabhagruha, Sadbhavan nagar Zingabai Takali, Nagpur.
3. Kishor Lokchand Tidke, aged about 64 years, Occupation: Retired (HC- Wireless Operator), R/o Padmawati nagar Plot No. 9, Godhani Rly, Nagpur, Tah. & Dist. Nagpur.
4. Sitaprasad Rajrup Shukla, aged about 59 years, Occupation: Retired (PWSI-T), R/o Plot no. 158, Ward No. 6, Police nagar, Hingna road, Nagpur. Tah. & Dist. Nagpur.
5. Sudhakar Dewaji Raut, aged about 61 years, Occupation: Retired (PWSI-T), R/o 1/36, Narkesari layout, Sadbhawana nagar, Nagpur Tah. & Dist. Nagpur.
6. Dhanlal Premlal Maskare, aged about 65 years, Occupation: Service (PWSI-T), R/o Hanuman nagar, Wanadongar, Nagpur. Tah. & Dist. Nagpur.

7. Rajendra Sadashiv Revaskar, aged about 59 years, Occupation: Retired (PWSI-T), R/o New Ambika nagar, Mardi road, Amravati, Tah. & Dist. Amravati.

8. Vijay Murari Gaikwad, aged about 63 years, Occupation: Retired (ASI- Head Wireless Operator), R/o Behind Dnyadeep Apts., Near Ambedkar Sabhgruha, Wadgaon, Ward No. 3, Chandrapur, Tah. & Dist. Chandrapur.

9. Vilas Sitaramji Ramteke, aged about 60 years, Occupation: Retired (PWSI-T), R/o Hirendra Apts., Wing No. 3, Sarkar nagar, Near Radhika Sabhgruha, Chandrapur, Tah. & Dist. Chandrapur.

10. Moreshwar Tukaram Dhawas, aged about 63 years, Occupation: Retired (ASI- Head Wireless Operator), R/o Kesarinandan Ward No. 1, Urja nagar, Tadoba road, Chandrapur.

11. Vasanta Bhawarlal Gandhi, aged about 60 years, Occupation: Retired (ASI- Head Wireless Operator), R/o Ashadevo Tower, Hanuman nagar Tukum Chandrapur.

12. Ashok Tulshiram Pachare, aged about 58 years, Occupation: Retired (PWSI-T), R/o Sudharshan nagar Rajapeth Bus stop, Hudkeshwar road, Nagpur.

13. Padmakar Gangaramji Gabhane, aged about 62 years, Occupation: Retired (ASI- Head Wireless Operator), R/o 163- Chitanis nagar, Umred road, Nagpur.

14. Krushna Nathi Bankar, aged about 68 years, Occupation: Retired (ASI- Head Wireless Operator), R/o at Chandali, Post Kahali Tah. Brahmapuri, Dist. Chandrapur.

15. Pravin Sadadeorao Nandurkar, aged about 52 years, Occupation: Service- (PWSI-T), R/o Plot No. 53, Balaji nagar Near Bansi nagar metro Station Nagpur.

16. Nandkumar Ganpatrao Yengatiwar, aged about 57 years, Occupation: Service- (ASI- Head Wireless Operator), R/o at Sai nagar Ward No. 4, Behind Channawar Medical College, Navegaon, Gadchiroli.

17. Vijay Pandurang Dandhare, aged about 61 years, Occupation: Retired (ASI- Head Wireless Operator), R/o 48, Mahavishnu nagar old Narsala road, Nagpur, Tah. & Dist. Nagpur.

18. Sheikh Mohmmad Sheikh Mehboob, aged about 62 years, Occupation: Retired (PWSI-T), R/o Plot No. 4, Mata nagar, Zingabai Takali, Nagpur.

19. Birendrabahadursing Amrual Marskole, aged about 60 years, Occupation: Service (PWSI-T), R/o Swatantray nagar, Nandanvan, Nagpur, Tah. & Dist. Nagpur.

20. Purushottan Ajabrao Ambadkar, aged about 57 years, Occupation: Service (ASI- Head Wireless Operator), R/o Ganpati nagar, Behind Shanai Mangalam, Old Bye pass, Amravati.

21. Bhuwaneshwar Bapurao Deulkar, aged about 52 years, Occupation: Service (PWSI-T), R/o 49-Gaglani nagar, near Wadali naka, Amravati.

22. Vishnu Ganpatrao Bhojar, aged about 63 years, Occ.: Service (ASI- Head Wireless Operator), R/o Santaji nagar, Plot No. 19, Ward No. 3, Butibori, Nagpur.

VERSUS

RESPONDENTS :

1) The State of Maharashtra, through it's Additional Chief Secretary, Home Department, Mantralaya, Mumbai-32.

2) The Director General of Police, (M.S.) Hutatma Chowk, Near Regal Cinema, Mumbai.

3) The Additional Director of Police/ Director of Police Wireless, Wireless Office, Pashan road, Pune-5.

**Shri S.N. Gaikwad, Advocate for the applicants.
Shri M.I. Khan, learned P.O. for respondents.**

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 29/08/2023.

J U D G M E N T

Heard Shri S.N. Gaikwad, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

2. The learned counsel for the applicants Shri S.N. Gaikwad has filed documents. Same are taken on record and commonly marked as Exh-X for identification.

3. The case of the applicants in short is as under –

4. All the applicants were initially appointed on the post of Police Constable. Lateron they were posted on the post of Head Police Constable (Wireless Operator). The appointment of applicants were made by following due procedure of law.

5. The respondents have introduced the scheme to promote the employees in Wireless Section and to motivate them to appear in the Classification Examination. The provision has been introduced in the Bombay Police Manual. All the applicants have passed the proficiency test and therefore they are entitled for three advance increments as per the G.R. dated 03/01/1979. The applicants have passed the proficiency test, but they are not granted three advance increments by the respondents. Therefore, they approached to this Tribunal for the following reliefs –

“(i) allow the instant original application with costs;

(ii) be pleased to direct the respondent No. 3 to release the three advance increments on passing of Proficiency Test;

(iii) further be pleased to direct the respondents to pay arrears thereon and also release all consequential service benefit arise out of grating advance increments and also revised the pension considering the said benefits;”

6. The reply is filed by respondent nos.2 and 3. The respondents have denied the claim of the applicants and submitted that representations of the applicants are pending.

7. During the course of submission, the learned counsel for applicants Shri S.N. Gaikwad has pointed out the Judgment of this Tribunal in O.A.No. 50/2023 with connected matters, decided on 02/08/2023. This

Tribunal has held that in view of the Judgment of Hon'ble Supreme Court in the case of **State of Uttar Pradesh and Others Vs. Arvind Kumar Shrivastav, 2015 (1) SCC,347**, the applicants are entitled for equal treatment as like similarly situated employees to whom benefits of three advance increments were granted.

8. As per the submission of learned counsel for applicant, the Maharashtra Administrative Tribunal, Bench at Aurangabad in O.A.No.647/1996 passed the following order –

"In view of the above discussion, this application is partly allowed. The recovery ordered is quashed and set aside The respondents are directed to consider the restoration of advance increments as per the practice prevailing before 1.1.1986, similar to the practice being followed by the Government of India even now after 1.1.1986. The continuance is being suggested only for Radio Mechanics and Wireless Operators and not for Electricians, since the Government of India is not giving any special pay to the Electricians. However, since the amount already paid to the Electricians was not due to any mistake on their part, the same need not be recovered. There will be no order as to costs."

9. As per the submission of learned counsel for the applicants, the benefits of three advance increments were given by the State Government as per the direction given by the Maharashtra Administrative Tribunal, Bench at Aurangabad in O.A.No.647/1996. Therefore, the applicants are entitled for the same relief, because, they are similarly situated employees and in view of the G.R. and Judgment of Hon'ble Supreme Court in the case of **State of Uttar**

Pradesh and Others Vs. Arvind Kumar Shrivastav (cited supra). Hence, the following order –

ORDER

- (i) The OA is partly allowed.
- (ii) The respondents are directed to decide the representations of the applicants within a period of two months from the date of receipt of this order.
- (ii) No order as to costs.

Dated :- 29/08/2023.

**(Justice M.G. Giratkar)
Vice Chairman.**

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 29/08/2023.