

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.615/2022(S.B.)

Birendrabahaddursingh S/o. Amrulal Maraskole
R/o. 1128/F/381 Swatantraya Nagar Line No. 6,
behind Kamal Decoration, KDK College Road,
Nandanwan, Nagpur-440024.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
- 2) Superintendent of Police,
Chandrapur behind Administrative building,
Near Collector Office, Chandrapur.
- 3) The Director General of Police,
MaharashtraState,
Shahid Bhagatsingh Marg Mumbai-1.

Respondents

Shri S.M.Khan, Ld. Counsel for the applicant.
Shri H.K.Pande, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated:- 30th January 2024.

JUDGMENT

Judgment is reserved on 24th January, 2024.

Judgment is pronounced on 30th January, 2024.

Heard Shri S.M.Khan, learned counsel for the applicant and Shri H.K.Pande, learned P.O. for the respondents.

2. As per order of transfer dated 02.06.2016 the applicant joined wireless section at Chandrapur which is Naxal Area, on 10.06.2016. By order dated 25.07.2019 he was transferred and joined at Nagpur. He was holding the post of Police Sub-Inspector. It is his contention that as per G.R. dated 06.08.2002, so long as he was serving in Naxal Area, he was entitled to get Grade Pay of Rs.5000/- under One Step Promotion Scheme as post of A.P.I. in Wireless Section having Grade pay of Rs.4400/- was abolished by Circular dated 15.04.2002 (Annexure A-3). Hence, this O.A..

3. Stand of respondent no.2 is as follows-

4. The hierarchy of ranks in police department along with pay band and grade pay that were admissible to the employees as per the 6th pay commission are enumerated as under :-

Designation	Pay band	Grade
PSI	PB2 : 9,300-34800	4300
Asstt. P.I.	PB2 : 9,300-34800	4400
Police Inspector	PB2 : 9,300-34800	5000

5. The respondent no. 2 submits that the applicant served as a PSI during the aforesaid period. Hence, he was entitled to receive one step hike in salary as per the pay band mentioned in the above table i.e. PB2: 9,300-34800 and GP 4400. Thus, he was given the benefit of Grade pay Rs. 4400 per month along with allowances and accordingly he drew his monthly salary and no injustice has been ever caused to the applicant.

4. The applicant has relied on Judgment of this Bench dated 05.09.2019 in O.A.No.222/2017 wherein it is held –

There is no dispute about the fact that the post of API in the wireless department was abolished long back as per circular issued in year 2002. In view of this discussion, I accept that the applicant is entitled for the relief claimed in the application. Hence, the O.A. is allowed. I, therefore, declare that the applicant was entitled to draw salary admissible to the post of PI from 10/1/2009 to 7/6/2013.

Hence, the order.

ORDER

- (i) The O.A. is allowed. The applicant is held entitled to salary of P.I. for the period of his service in Naxal Area.
- (ii) The respondents are directed to calculate amount of difference, and pay the same to the applicant within three months from today failing which the unpaid amount shall carry interest at the rate of 6% p.a. till realization.
- (iii) No order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 30/01/2024.
rsm.

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Member (J).
Judgment signed on : 30/01/2024.
and pronounced on
Uploaded on : 30/01/2024.