

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 772/2019

Chandrashekhar Maroti Guntewar,
(Bucckal No.44),
Aged about 45 years
Occupation – Service
Resident of Plot No.150,
Rameshwari, Nagpur-27

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Home Department Mantralaya,
Mumbai-32.
- 2) The Commanding Officer,
Bharat Rakhiv Bal-2, Rajya Rakhiv
Bal Gat-15, Gondia Camp, Nagpur.
- 3) The Additional Director General of
Police,
Having its office at Mumbai.
- 4) The Special Director General of
Police, State Reserve Police Force
Nagpur.

Respondents

Shri H.G.Lacharwar, Ld. counsel for the applicant.
Shri H.K.Pande, Ld. P.O. for the respondents.

**Coram:-Hon'ble Shri Shree Bhagwan, (Vice Chairman) &
Hon'ble Shri M.A.Lovekar, Member (J).**

Dated: - 28th March 2022.

PER : Vice Chairman

JUDGMENT

Judgment is reserved on 21th March, 2022.

Judgment is pronounced on 28th March, 2022.

Heard Shri H.G.Lacharwar, learned counsel for the applicant and Shri H.K.Pande, Ld. P.O. for the Respondents.

2. The facts of the case are explained in brief in following paras.

In response to the advertisement published in 2009 ***Maharashtra State Police Constable Recruitment- 2009 IRB S.R.P.F. Group No.15, Birsi Camp, District Gondia advertisement dated 4.7.2009.*** The applicant applied for the Police Constable Posts. The applicant was assigned Chest no.1458 as per document filed on record. Applicant was appointed on 23.06.2010 as per appointment order (Annexure A-1 Page 16).

3. Applicant feels aggrieved by the list of seniority published by the respondents as on 1.1.2011 which is filed

on record from page 37 to 64. Aggrieved with the seniority list applicant has filed this O.A. with following reliefs.

Clauses per Para 9 of the O.A. –

9. RELIEF SOUGHT

In view of the above facts and circumstances as stated supra, the applicant prays for following relief :

- 1. Issue appropriate order or direction, direct the Respondent Department to absorb the applicant in the Seniority List as per clause 3.1 and 3.2 of the Circular dated 22.4.2010 and Circular dated 21.6.1982 and grant him promotion to the applicant to the post of Hawaldar;***
- 2. Pass such other incidental order into the facts and circumstances of the case in favour of the Applicants.***
- 3. Allow the Original Application, in the interest of justice, equity and fair-play.***

Respondents no.2 & 4 have filed affidavit-in-reply on 4.2.2020 along with that they have attached various Annexures also. We have heard both sides and examined documents filed on record.

4. The main contention of the learned counsel of applicant is that date of Seniority of applicant should have been decided as per joining date of the

applicant along with the candidates who were appointed as per order dated 23.06.2010.

5. The Government Circular dated 22.4.2010 (Annexure-A page 75) which has been mentioned by the applicant in relief Clause page 12 and it is issued by D.G.P. (M.S.) Officer on page 76 in Para 3.1. It is mentioned therein that seniority of Police Constables should be counted from the date of the appointment and not from the date of joining. The first Circular mentioned in relief Clause is dated 22.4.2020 by D.G.P. (Annexure A-5 page-75). The para 3.1 is reproduced below-

3-1 ~~il syhl f'ki k; kph I oK; \$Brk R; kpsfu; Drip; k fnukdkid u
/kj.; kr ;koh~~

6. The second G.R. mentioned by applicant in relief Clause is dated 21.06.1982 (Annexure A-4 page 71). In this also on page 72 in Para 4(2), there is mentioned about Seniority. The para is reproduced below- Hence, according to this G.R. also the relief becomes irrelevant and cannot be granted.

7. Apart from this Learned P.O. has filed D.G. Police Maharashtra letter dated 17.8.2013 (Annexure R-6 Page 168). in which in Para A following direction has been given -

v½ ikyhl HkjrP; k oGh ?s; kr ; slk; k i fj {kr mesokj kusi Mr dyy; k xqk; k xqk; k deld kj ikyhl f'ki kZ l oxkhy deplk; kph l oKT; \$Brk ; kias yko.; kr ; loh rlp] ikyhl Hkjr tj mesokj k l elu xqk i Mr >ky; rj R; k; k tUer kj [ku dj ¼o; kusT; \$B vl yy; k k vxzd nAu½R; kph T; \$Brk yko.; kr ; loh

8. It appears on record that applicant has also made representation to in charge special I.G. S.R.P.F. Nagpur vide his letter dated 12.12.2014 (R-8 Page no.78) which has been rejected on merit. He has also made representation dated 12.03.2015 (Annexure R-9 page no.179) which has been also rejected by Commandant, S.R.P.F. State S.R.P.F. Group No.15, Birsi Gondiya Camp, vide letter dated 12 March 2015 Annexure R-9 page 179 the Learned P.O. has also filed Gazette notifications dated 21.06.2021 (Page 218 to 236). In this Gazette notifications on page 222 Para 2 B(1) it is mentioned -

½½½ i½eG f'kQkj l ; knd kj , dkr rqlMr fuoM gkAu fW Hkjr h}kjs >ky; k o foghr eqrr #tw >ky; k 0; Drpk vki ki l krhy T; \$Brk deld gk vk; lklusok fuoM eMGkysfny; k eG f'kQkj l ; khrhy deld kj ¼ vudeld kj ½ fu/Wjr dyk tlbj-

9. In view of all these facts about seniority of Police Constables appointed by same order is to be decided as per

Merit List prepared by relevant appointing authority and not on the basis of joining date.

We have also perused the Maharashtra Civil Services Regulations of Seniority Rules 1982. In this Rule on page 7 Para 2 explained above fixation of Seniority. The Para 2(a) is reproduced below.

**(2) Notwithstanding anything contained in sub-rule (1)-
(a) the inter se seniority of direct recruits selected in one batch for appointment to any post, cadre or service, shall be determined according to their ranks in the order of preference arranged by the Commission, Selection Board or in the case of recruitment by nomination directly made by the competent authority, the said authority, as the case may be, if the appointment is taken up by the person recruited within thirty days from the date of issue of the order of appointment or within such extended period as the competent authority may in its discretion allow;**

In view of discussions in above Para's, we do not find any reason to interfere with the Seniority List prepared by respondents as on 1.1.2011. Hence, the following order.

ORDER

- (i) The O.A. is dismissed.
- (ii) No order as to costs.

(M.A.Lovekar)
Member (J)

(Shree Bhagwan)
Vice Chairman

Dated – 28/03/2022.

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 Vice Chairman &
Court of Hon'ble Member (J) .
Judgment signed on : 28/03/2022.
and pronounced on
Uploaded on : 28/03/2022.*