

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 776/2010 (D.B.)**

1. Narendra S/o Krushnarao Sahare,  
Aged about 44 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Commissioner of Police,  
Nagpur City, Nagpur, R/o Nagarjun Colony,  
Near Kushi Nagar, Jaripatka, Nagpur.
2. Vilas Rajaramji Revatkar,  
Aged about 49 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Superintendent of Police,  
Nagpur (Rural), R/o Rajapeth,  
Hudkeshwar Road, Nagpur.
3. Deepak Narhar Kedar,  
Aged about 47 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Superintendent of Police,  
Nagpur (Rural), R/o Navjivan Colony,  
Wardha Road, Nagpur.
4. Shankar Vithobaji Lambhate,  
Aged about 40 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Commissioner of Police,  
Nagpur, R/o New Om Nagar,  
Hudkeshwar Road, Nagpur.
5. Vinod Madhukarrao Deshpande,  
Aged about 48 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Commissioner of Police,  
Nagpur, R/o Suyash Laxmi Apartment,  
Behind Saint Joseph's Convent,  
Mohan Nagar, Nagpur.
6. Chirsagar Yeshwantrao Raipure,  
Aged about 52 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Superintendent of Police,  
Chandrapur, R/o Kukday Layout,  
Near NIT Garden,  
Rameshwari Road, Nagpur.

7. Ravindra Mahadeorao Paraye,  
Aged about 48 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Commissioner of Police,  
Nagpur, R/o Sudarshan Nagar,  
Near Gajanan Mandir,  
Hudkeshwar Road, Nagpur.
8. Narendra Kewatramji Darde,  
Aged about 48 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Commissioner of Police,  
Nagpur, R/o C/o Anil Selokar,  
Gopal Nagar, 1<sup>st</sup> Bus Stop,  
Nagpur.
9. Sudhir Prabhakar Ingole,  
Aged about 39 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Commissioner of Police,  
Nagpur, R/o Wanjari Nagar,  
Plot No. 48, Nagpur.
10. Sagar Shankarrao Waghmare,  
Aged about 46 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Superintendent of Police,  
Wardha, R/o Plot No. 57 (B),  
New Kailash Nagar, Nagpur.
11. Gajanan V. Awadhoot,  
Aged about 49 yrs., Occ. Assistant Sub Inspector (Radio  
Mechanic), Working under Commissioner of Police,  
Nagpur, R/o Ayodhya Nagar,  
Near Sai Mandir, Nagpur.

**Applicants.**

**Versus**

- 1) State of Maharashtra  
through its Secretary,  
General Administration Department,  
Mantralaya, Mumbai.
- 2) The Secretary, Home Department,  
Mantralaya, Mumbai-32.

- 3) The Director General of Police,  
Maharashtra State, Mumbai.
- 4) The Additional Director General of Police &  
Director General of Police Wireless (M.S.), Pune.

**Respondents**

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**Shri P.V.Thakre, the Id. Advocate for the applicant.**

**Shri A.M.Ghogre, the Id. P.O. for the respondents.**

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

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**JUDGMENT**

PER : MEMBER (A)

**(Delivered on this 19<sup>th</sup> day of December, 2018)**

Heard Shri P.V.Thakre, the Id. counsel for the applicant and  
Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. In this O.A., the applicants are working as Assistant Sub  
Inspectors of Police (Radio Mechanic) in the Wireless Wing of Police  
Force of the State of Maharashtra. The applicants are working under the  
Commissioner of Police of Nagpur, the Superintendent of Police, Nagpur  
and Wardha. All the applicants are working on the post of Assistant Sub  
Inspector (Radio Mechanic) from last 25 years.

3. It is submitted that by G.R. No. EXD-1076/1945/137-XVII,  
dated 01/11/1977, the Police Officers were exempted from the

Departmental Examination on attaining the age of 45 years both for continuance and confirmation and also for qualifying for promotion to higher posts subject to the condition that the seniority, if lost by such Government Servant, as a result of not passing the examination within the prescribed time limit and the number of chances permissible will not be restored on granting such examination. A copy of the same G.R. No. EXD-1076/1945/137-XVII, dated 01/11/1977 is at (Annexure-A-1).

4. On 28/11/1979, G.R. number EXD-1076/452-XVII is issued by the respondent no.1 is as under:-

(a) In case of the Departmental Examination prescribed for continuance and confirmation in the existing posts, the exemption is applicable to all Government Servants excepting those who under the Recruitment Rules applicable to them, are liable to be discharged for not passing the Departmental Examination during the period of probation and

(b) In the case of the Departmental Examination for qualifying for promotion to the Higher post, the exemption is applicable to all Government Servants.

5. Thereafter, the Circular No. FXD-1080/34/XVII, Dated 17/05/1980 came to be issued by respondent no. 1 in the matter of procedure adopted by the various departments under the State of Maharashtra granting exemptions to the employees working under them without amending the relevant Departmental Examination Rules and

thus not allowing uniform procedure in the matter. The said rules is (Annexure-A-3). However the respondent no. 2 has fully accepted the Government Resolution dated 29/08/1979 in respect of Ministerial Staff. However, as far as wireless wing is concerned, it was discriminated.

6. It is submitted that the respondent authority misinterpreted the rules regarding recruitment and promotion of the employees working under the Wireless Wing of the Police Force and thus denied the promotional channel to the persons like the applicants working on the post of Assistant Sub Inspector (Radio Mechanic).

7. It is submitted that, the applicants are coming from the cadre of Radio Mechanics and their appointments do not provide any such condition that the Radio Mechanics should pass certain examination for further promotion. Therefore, it is pleaded that the applicants are not supposed to pass any examination for getting promotion to the post of Police Sub Inspector (Engineering).

8. From the affidavit-in-reply on behalf of the respondent no. 4, it seems that the Government Resolution dated 08/06/1995 is regarding Time Bound Promotion for State Government Employees. It is clearly mentioned in the said G.R. dated 08/06/1995 vide para no. 2 (b) that, the employee has to fulfil the conditions of seniority, eligibility, qualifying examinations, departmental examination etc. That Rule 59 (A) in the

Marathi revised Police Manual volume-1 1999 is referred in the said order dated 23/03/1999.

9. In para no. 5 it is stated that, as per the Bombay Police Manual Volume 1 Rule 191 for the pupose of Class Pay Radio Mechanics are devided into four classes visuallly Class-IV, Class-III, Class-II and Class-I and in order to qualify himself for any to these classes every Radio Mechanic must pass an examination appropriate to the class.

10. In para no. 8 of the reply the respondents have submitted that:- the regular promotion was not suggested as the Police Wireless is a Technical Wing of the Police Department. A person recruited as Radio Mechanic Cadre gets further promotions like Police Wireless Sub-Inspector (Engg), Police Wireless Inspector (Engg), Dysp. Wireless (Engg), Supdt. Of Police Wireless (Engg). These are technical supervisory posts. These Technical Supervisors supposed to handle technical as well as administrative aspects. There are new technologies coming in force day by day. One must acquire new knowledge and skills to install, operate and supervise them. Therefore, a Radio Mechanic who wants further regular promotion in his career must pass all these classification examinations.

11. It is clarified in para no. 10 of the reply affidavit that, Class-I Radio Mechanic is not a different post. It is further submitted that, Radio Mechanic who has passed Class-I Radio Mechanic. In the light of

correction slip 145 which decides the eligibility criteria for the further promotion to the post of Police Wireless Sub-Inspector (Engg.) and not merely earning the Class Pay.

12. In reply, the respondents have submitted Annexure-4-4(P.B., Pg. No. 106) letter no. tk-dzb&1@kmi fu@cl a ¼v fHA-½ inkburh @ fu; ekr cny1@06@7107] fnukd 23@11@2006- The subject mentioned is as below:-

lkfyl fu; ekoyh Hkx&1 baxth vkoRrh 1959] nq Lrhi =d dz145] o lkfyl fu; ekoyh Hkx&1] 1999 fu; e 191 e/ly fu; eke/; scny dj .Asckcr-

By this correction slip 145 regarding promotions only career of Police Employees working in wireless wing has been explained and conditions are given in para no. 3 at P.B., Pg. No. 108 and the same is below:-

LkglF; d lkfyl mi fujh[Ad] fc-l a¼i æq[A ; æpkyd½ i nkP; k i nkburhdjhrk fcurkj h ; æpkyd ; kulk lkfyl fu; ekyh Hkx &1 1999 fu; e dz191 vllø; s i kfo.; ijh{Ak i kl gks/As vko'; d vkgs l njph ijh{Ak i kl u gksÅ 'AdY; kl o; kP; k 45 o" Akburj R; kulk ofj "B oruJsAh ykHA ns gkby- i jarofu; fer inkburh ns gksAkj ukgh-

13. In view of discussions in foregoing paras, provisions made in correction slip no. 145 and prayer mentioned at P.B., Pg. No. 18:- A, B & C are not required to be appreciated. So, the relief claimed in O.A. is not justified and O.A. requires to be dismissed. Hence, the following orders:-

**ORDER**

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

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

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

Dated :- 19/12/2018.

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