

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION No. 432/2020 (S.B.)

Anil Pandhurang Padole, aged about 57 years,
Occupation: Service, R/o H/129, Nandanvand Venkateshnagar,
Nagpur, Tah. & Dist. Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through it's 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,
Wireless Office, Pashan road, Pune-5.
- 4) The Commissioner of Police, Nagpur, Tah. & Dist. Nagpur

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.

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

WITH

ORIGINAL APPLICATION No. 588/2020 (S.B.)

Ashok S/o Radhakishan Dhote, aged about 58 years,
Occupation: Retired (Assistant Sub-Inspector- Wireless),
R/o 114- Mangalmurti Apartment, Commissioner Colony,
Chaprashipura, Amravati, Tah. & Dist. Amravati.

Applicant.

Versus

- 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,
Wireless Office, Pashan road, Pune-5.
- 4) The Superintendent of Police, Amravati (Rural),
Tah. & Dist. Amravati.

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.

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

WITH
ORIGINAL APPLICATION No. 662/2020 (S.B.)

Sagar Shankarrao Waghmare,
aged about 56 years, Occupation: Service,
R/o Plot No. 57-B, Kailash nagar, Nagpur,
Tah. & Dist. Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through it's 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, Wireless Office,
Pashan road, Pune-5.
- 4) The Commandant, State Reserve Police Force,
Group-IV, Hingna, Nagpur.

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.

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

WITH
ORIGINAL APPLICATION No. 679/2020 (S.B.)

Sanjay Krushnarao Sontakke,
aged about 56 years,
Occupation: Service (Electrical Head Constable),
R/o Maa Bhagwatinagar, Hudkeshwar,
Nagpur, Tah. & Dist. Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through it's 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, Wireless Office,
Pashan road, Pune-5.
- 4) The Commandant, State Reserve Police Force,
Group-IV, Hingna, Nagpur.

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.

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

WITH

ORIGINAL APPLICATION No. 861/2020 (S.B.)

Dilip Bhagwantrao Kapile, aged about 61 years,
Occupation: Service (PSI- Wireless),
R/o House no. 27, Yogashema Colony,
Sushil Nagar road, Amravati, Tah. & Dist. Amravati.

Applicant.

Versus

- 1) The State of Maharashtra,
through it's 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, Wireless Office,
Pashan road, Pune-5.
- 4) The Superintendent of Police Wireless (East Zone),
Nagpur, Tah and Dist. Nagpur.

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.

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

WITH

ORIGINAL APPLICATION No. 915/2020 (S.B.)

1. Ravindra Krushnarao Pinjarkar,
aged about 62 years, Occupation: Retired,
R/o Sidhivinyak coloney, Kathora road,
Amravati, Tah. & Dist. Amravati.

2. Vasant S/o Chaitram Saindane,
Aged about - 55 years, Occu. Service,

R/o Saptashrunji Nagar, Old Saikheda Road, Nashik.

3. Rajendra S/o Shripati Chavan,
Aged about - 55 years, Occu. Service,
R/o Karange Nagar, Fulewadi Post office, Kolhapur.

4. Eknath S/o Keshao Pawar,
Aged about - 54 years, Occu. Service,
R/o Nandakin Building Ravalpada, Dahisar (E), Mumbai.

5. Prakash S/o Bhaskar Hardikar,
Aged about - 57 years, Occu. Service,
R/o C 044 Varbhar Parle, Vayale Nagar,
Khadpada, Kalyan (W).

6. Suryakant S/o Vithalrao Kadam,
Aged about - 58 years, Occu. Retired,
R/o Bhausahab Kalate Nagar – 2,
Wakade, Pune -57.

7. Digambar S/o Namdeo Hirve,
Aged about – 58 years, Occu. Retired,
R/o Bora Happy Home, Audhan, Pune.

8. Bhaskar S/o Satva Ingle,
Aged about 54 years, Occu. Service,
R/o D-103, Police Vasahat,

LBS Road, Ghatkopar (W).

9. Vijay S/o Babu Bhosale,
Aged about – 54 years, Occu. Service,
R/o B-406, Rachana Appts., Bhandup, (E), Mumbai – 42.

10. Rajendra S/o Narayan Sonawane,
Aged about – 55 years, Occu. Service,
R/o Plot no. 35, Nivrutti Nagar, Jalgaon.

11. Dasharth Bahiru Inchanalkar,
Aged about – 56 years, Occu. Service,
R/o Sai Shardha Residency, Ramanand nagar,
Kolhapur.

12. Vilas Kaluram Gangawane,
Aged about – 56 years, Occu. Service,
R/o Pune. Tah. & Dist. Pune.

13. Prakash Ratnakant Pise,
Aged about – 55 years, Occu. Service,
R/o Flat No. 602, Coral Appts., Shivji Peth Kolhapur.

14. Yuvraj Eknath Koli, Aged about – 58 years,
Occu. Retired, R/o Sidhachal Appts.,
Gajanan nagar, Kulgaon, Badalpur, Dist. Thane.

15. Ghanshyam Ravikant Magare,
Aged about – 60 years, Occu. Retired,
R/o Suyog colony, Mohindale Shivar, Shakari road Dhule.

16. Vijay Himmatlal Lalwani,
Aged about – 55 years, Occu. Service,
R/o Shri. Parshwan nagar, Pune.

17. Sharad Mukundrao Desai,
Aged about – 56 years, Occu. Service,
R/o Latur Vidnyan nagar, Sawali road, Miraj Dist. Sangali.

18. Shivaji Babasaheb Mane,
Aged about – 58 years, Occu. Service,
R/C- Wing room No. 804,
Police Officer Quarter, Ghatkopar Mumbai.

19. Prafulla Gopal Kurde,
Aged about – 55 years, Occu. Retired,
R/o Sandhya nagar, Someshwar Wadi, Pashan Pune.

20. Dnyaneshwar Dattaray Mandhare,
Aged about – 67 years, Occu. Retired,
R/o Maharushi nagar, Pune.

21. Vishwanath Dattram Bhogale,
Aged about – 55 years, Occu. Service,

R/102-A, Jaibhawani Co-Op. Housing Society,
Jogeshwari (E), Mumbai.

22. Sunil Janardhan Trimbake,
Aged about – 57 years, Occu. Service,
R/o K-703 Yashraj, Green Castle Buld., Hadapsar, Pune.

23. Santosh Balakrushna Tikone,
Aged about – 55 years, Occu. Service,
R/o 403- Shivam Apts., Left Bhusari coloney, Kotharud, Pune.

24. Ganeshprasad Raghunathprasad Tiwari,
Aged about – 59 years, Occu. Retired,
R/o Satara Premises, Aurangabad, Tah. & Dist. Aurangabad.

25. Ashok Ramdas Bairagi,
Aged about – 64 years, Occu. Retired,
R/o Onkar Apts., Near Hindustan Bakery, Balewadi, Pune.

26. Vijay Gangaram Barathe,
Aged about – 63 years, Occu. Retired,
R/o House no. 2017, Behind Shivaji Putala,
Dapodi, Pune.

27. Suresh Sadashiv Patil,
Aged about – 60 years, Occu. Retired (ASI- Electrician),
R/o Plot No. 22, Indranil Society,

Pinprol Jalgaon, Tah. & Dist. Jalgaon.

Applicants.

Versus

- 1) The State of Maharashtra,
through it's 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, Wireless Office,
Pashan road, Pune-5.

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.

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

Shri A.Joshi, the Id. counsel for the Intervenor.

WITH

ORIGINAL APPLICATION No. 916/2020 (S.B.)

1. Vasaram Jaysing Ade,
aged about 67 years, Occupation: Retired,
R/o Om Shivam Colony, Yavatmal, Tah. & Dist. Yavatmal.

2. Jagdish Tukaram Sawant,
Aged about 62 years, Occu. Retired,
R/o A- 701, Chandresh Udyan,
Lodha Heritage, Dombiwali (East) , Thane.

3. Manik Ramchandra Gujar,

Aged about - 66 years, Occu. Retired,
R/o 147/3/3, Garmal, Gali No. A-17, Dhayari, Pune.

4. Narhari Krishnarao Pujari,
Aged about - 60 years, Occu. Retired (ASI Electrician),
R/o Asawari H- 1801, Nanded City, Sinhagad road, Pune.

5. Pandurang Irbaji Taru,
Aged about 56 years, Occ.: Service,
R/o O/o Superintendent of Police,
Parbhani, Tah. & Dist. Parbhani.

6. Suresh Narayan Marathe,
Aged about 70 years, Occ.: Retired,
R/o Sakshi Garments, Guruwarpeth, Ambejogayi, Dist. Beed.

7. Pralhad Laxman Wani,
Aged about 67 years , Occ.: Retired,
R/o Gat No. 11, Plot No. 27,
Behind Hotel Radhika, Dhanshree Nagar,
Nimkhedi, Shivar, Jalgaon, Tah. & Dist. Jalgaon.

8. Khaja Md. Baderuddin Chishti,
Aged about 69 years , Occ.: Retired,
R/o Plot No. 134, Near Kaleem Kirana Store,
Arif Colony, Aurangabad, Tah. & Dist. Aurangabad.

9. Jaysingh Padamsingh Hajari,
Aged about 62 years , Occ.: Retired (PSI- Wireless),
R/o "Shree Padamraj", Harshvardhan colony,
Nimkheda Shivar-Jalgaon.

10. Subhash Ravikant Magare,
Aged about 63 years , Occ.: Retired,
R/o Plot No. 134, Near Kaleem Kirana Store,
Arif Colony, Aurangabad, Tah. And Dist. Aurangabad.

11. Gokul Gangaram Patil,
Aged about 61 years, Occ.: Retired (PSI- Wireless),
R/o Shrinivas Plot No., 8, Lalbahadu housing society,
Latur, Tah & Dist. Latur.

12. Mukttaji Maruti Chopade,
Aged about 61 years, Occ.: Retired,
R/o 345, Mahada Coloney, N-9,
Cidco, Aurangabad. Tah. & Dist. Aurangabad.

Applicants.

Versus

- 1) The State of Maharashtra,
through it's 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, Wireless Office,
Pashan road, Pune-5.

- 4) The Superintendent of Police (Rural), Amravati,
Tah. And District Amravati.

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.

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

Shri A.Joshi, the Id. counsel for the Intervenor.

WITH

ORIGINAL APPLICATION No. 917/2020 (S.B.)

Pandurang Bhaurao Wankhade, aged about 67 years,

Occupation: Retired, R/o Bhagaysree colony,

Rangoli lawn , Kathora Naka, Amravati, Tah. & Dist. Amravati.

Applicant.

Versus

- 1) The State of Maharashtra,
through it's 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, Wireless Office,
Pashan road, Pune-5.
- 4) The Superintendent of Police (Wireless), East Zone, Nagpur, Tah. and
Dist. Nagpur.

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.

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

WITH**ORIGINAL APPLICATION No. 933/2020 (S.B.)**

Pritam Mahadeo Sakhare, aged about 55 years,
Occupation: Service (Radio Machanic),
R/o Laximinarayan Colony, Fulchurtola,
Gondia, Tah. & Dist. Gondia.

Applicant.**Versus**

- 1) The State of Maharashtra,
through it's 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, Wireless Office,
Pashan road, Pune-5.
- 4) The Superintendent of Police, Gondia,
Tah. and Dist. Gondia.

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.**Shri A.M.Ghogre, Id. P.O. for the respondents.**

WITH**ORIGINAL APPLICATION No. 934/2020 (S.B.)**

Udhav Laxmanrao Sapre, aged about 63 years,
Occupation: Retired, R/o Aryog colony,
Rahatgaon, Amravati, Tah. & Dist. Amravati.

Applicant.**Versus**

- 1) The State of Maharashtra,
through it's 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, Wireless Office,
Pashan road, Pune-5.
- 4) The Superintendent of Police Gadchiroli,
Tah. and Dist. Gadchiroli.

Respondents.

Shri S.N. Gaikwad, Id. counsel for the applicant.

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

Coram :- Hon'ble Shri Shree Bhagwan, Vice Chairman.

Date of Reserving for Judgment : 05th March, 2021.

Date of Pronouncement of Judgment : 19th March, 2021.

COMMON JUDGMENT

(Delivered on this 19th day of March, 2021)

Heard Shri S.N.Gaikwad, the learned counsel for the applicants, Shri A.M.Ghogre, learned P.O. for the respondents and Shri A.Joshi, the Id. counsel for the Intervenors in O.A. Nos. 915 & 916/2020.

2. All the applicants were appointed as Assistant Sub Inspectors in Wireless Section of the Police Department, their respective dates of joining in the services and other details are as under –

S r. No.	O.A. No.	Joined Service	Name	Present Appointment / Retirement	Date/ Year of Passing Examination	Date of Birth	Date of Attending the age of 45 years
1.	432/20 20	19.06.19 85	Anil Pandhurang Padole	ASI Radio Mechanic	Class-IV - 2002	07.10.19 63	07.10.2008
2.	588/20 20	15.02.19 83	Ashok Radhakishan Dhote	ASI Radio Mechanic	Class-IV- 1991	02.05.19 62	02.05.2007
3.	662/20 20	14.08.19 84	Sagar Shankarrao Waghmare	ASI Radio Mechanic	Class-I- 2013	19.06.19 64	19.06.2009
4.	679/20 20	04.11.19 88	Sanjay Krushnarao Sontakke	HC Electrician	Class-IV- 2005	28.06.19 65	28.06.2010
5.	861/20 20	08.01.19 80	Dilip Bhagwantrao Kapile	PSI Wireless	Class-I- 2010	03.03.19 59	03.03.2004
6.	915/20 20	06.03.19 81	1.Ravindra Krushnarao Pinjarkar.	PSI Wireless	Class-I- 2014	14.01.19 58	14.01.2003
		01.01.19 90	2.Vasant Chaitram Saindane.	ASI Radio Mechanic	Class-I- 2014	17.07.19 65	17.07.2010
		27.10.19 89	3.Rajendra Shripati Chavan.	ASI Radio Mechanic	Class-I- 2014	25.09.19 66	25.09.2011
		20.08.19 90	4.Eknath Keshao Pawar.	ASI Radio Mechanic	Class-I- 2013	07.03.19 66	07.03.2011
		01.11.19 85	5.Prakash Bhaskar Hardikar.	ASI Radio Mechanic	Class-I- 2013	20.12.19 63	20.12.2008
		17.11.19 85	6.Suryakant Vitthalrao Kadam.	ASI Radio Mechanic	Class-I- 2013	02.04.19 62	02.04.2007
		08.11.19 85	7. Digamber Namdeo Hirve.	ASI Radio Mechanic	Class-I- 2013	09.06.19 62	09.06.2007
		02.11.19 89	8.Bhaskar Satva Ingle.	ASI Radio Mechanic	Class-I- 2013	07.03.19 67	07.03.2012
		02.11.19 89	9. Vijay Babu Bhosale.	ASI Radio Mechanic	Class-I- 2013	26.12.19 66	26.12.2011
		30.08.19 88	10. Ranjendra Narayan Sonwane	ASI Radio Mechanic	Class-I- 2013	17.04.19 65	17.04.2010
		12.06.19 90	11.Dasharth Bahiru Inchanalkar.	ASI Radio Mechanic	Class-I- 2012	01.06.19 64	01.06.2009
		08.12.19 86	12.Vilas Kaluram Gangawane.	ASI Radio Mechanic	Class-IV- 1990	25.07.19 64	25.07.2009
		04.07.19 91	13.Prakash Ratnakant Pise.	ASI Radio Mechanic	Class-I- 2014	17.05.19 66	17.05.2011
		02.11.19 89	14. Yuvraj Eknath Koli.	ASI Radio Mechanic	NIL	20.04.19 62	20.04.2007
		06.07.19 91	15. Ghanshyam Ravikant Magare.	ASI Radio Mechanic	Class-I- 2012	17.05.19 61	17.05.2006
		19.07.19 84	16. Vijay Himmatlal Lalwani.	ASI Radio Mechanic	Class-I- 2014	14.12.19 65	14.12.2010
		08.11.19 85	17.Sharad Mukundrao Desai.	ASI Radio Mechanic	Class-I- 2014	22.02.19 65	22.02.2010
		16.07.19 84	18. Shivraj Babasaheb Mane.	PSI Wireless	Class-I- 2013	30.09.19 63	30.09.2008
		17.07.19 81	19. Prafulla Gopal Kurde.	ASI Radio Mechanic	Class-I- 2013	01.06.19 62	01.07.2007
		09.11.19 78	20. Dnyaneshwar Dattaray Mandhare	ASI Radio Mechanic	Class-IV- 1983	25.06.19 54	25.06.1999
		10.09.19 88	21. Vishwanath Dattram Bhogale.	ASI Radio Mechanic	Class-I- 2013	07.04.19 66	07.04.2011
		08.11.19 85	22. Sunil Janardan Trimbake.	ASI Radio Mechanic	Class-I- 2013	23.12.19 63	23.12.2008
		10.09.19 88	23. Santosh Balakrushna Tikone.	ASI Radio Mechanic	Class-III- 2002	14.05.19 66	14.05.2011
		30.12.19 83	24. Ganeshprasad Raghunathprasad Tiwari.	PSI Wireless	Class-I- 2009	07.08.19 61	07.08.2006
		01.03.19 78	25. Ashok Ramdas Bairagi	ASI Radio Mechanic	Class-II- 2001	01.06.19 56	01.06.2001

		10.02.19 83 24.12.19 83	26. Vijay Gangaram Barathe. 27. Suresh Sadashiv Patil.	ASI Radio Mechanic ASI- Electrician	Class-IV- 1989 Class-I- 2008	07.06.19 57 01.06.19 60	07.06.2002 01.06.2005
7.	916/20 20	25.10.19 82 03.06.19 82 28.02.19 72 18.08.19 74 13.01.19 94 01.09.19 75 21.10.19 95 07.03.19 79 30.07.19 79 04.03.19 82 27.12.19 79 29.09.19 80	1.Vasaram Jaysing Ade. 2.Jagdish Tukaram Sawant. 3. Manik Ramchandra Gujar. 4. Narhari Krushnarao Pujari 5. Pandurang Irbaji Taru 6. Suresh Narayan Marathe. 7. Pralhad Laxman Wani 8. Khaja Md. Baderuddin Chishti. 9.Jairajsingh Padamsingh Hajari. 10. Subhash Ravikant Magare. 11.Gokul Gangaram Patil. 12. Mukttaji Maruti Chopade.	PSI Wireless ASI Radio Mechanic ASI Radio Mechanic ASI Radio Mechanic ASI Radio Mechanic ASI Radio Mechanic ASI Radio Mechanic PSI Wireless ASI Radio Mechanic PSI Wireless PSI Wireless	Class-I- 2001 Class -I- 2014 Class-IV- 1990 Class-IV- 1990 Class-I- 2013 NIL NIL NIL Class-I- 2014 NIL Class-I- 2014 Class-I- 2013	03.03.19 54 13.12.19 58 04.02.19 48 15.12.19 54 01.01.19 64 05.04.19 50 14.02.19 53 10.04.19 51 04.08.19 58 14.01.19 57 01.06.19 59 05.06.19 59	03.03.1999 13.12.2003 04.02.1993 15.12.1999 01.01.2009 05.04.1995 14.02.1998 10.04.1996 04.08.2003 14.01.2002 01.06.2004 05.06.2004
8.	917/20 20	01.08.19 74	Pandurang Bhaurao Wankhade	PSI Wireless	Class-I- 2003	19.04.19 54	19.04.1999
9.	933/20 20	23.10.19 89	Pritam Mahadeo Sakhare	ASI Radio Mechanic	Class-I- 2013	13.04.19 65	13.04.2010
1 0.	934/20 20	06.03.19 81	Udhav Laxmanrao Sapre	ASI Radio Mechanic	Class-IV- 1988	16.11.19 58	16.11.2003

3. It is grievance of all the applicants that they punctually and honestly performed the services till their retirement, but they were not given benefit of the scheme brought in force by the Government to give them time bound promotions as per the G.R. of 1995 and the benefits of the Assured Career Progressive Scheme as per the G.R. dated 20/7/2001 and as per later G.R. issued in 2010. It is contention of all the applicants that as per these G.Rs. the applicants were entitled to have two time bound promotions, first promotion on completion of 12 years service and the second promotion on completion of next 12 years service from

the date of first time bound promotion. As the issues involved in all the applications are identical, therefore, all the applications are heard and decided by this common order.

4. It is contention of the learned counsel for the applicants that benefits of G.Rs. dated 8/6/1995, 20/7/2001 and 1/4/2010 were not given to the applicants for the reason that the applicants were unable to clear the Class-I examination as observed in Para-191 of the Bombay Police Manual. It is submission of the learned counsel for the applicants that it was not necessary for the applicants to pass the examination mentioned in Para-191 of the Bombay Police Manual and therefore, action of the respondents not giving benefits of the G.Rs. and time bound promotions to the applicants is in violation of law. It is submitted that the direction be given to the respondents to issue time bound promotions to all the applicants in terms of the G.Rs. dated 8/6/1995, 20/7/2001 and 1/4/2010.

5. The respondents submitted reply-affidavit and justified the action of the Department. The first contention of the respondents is that there is inordinate delay in approaching this Tribunal, therefore, all the applications are barred by limitation.

6. The second contention of the respondents is that as per the first G.R. dated 8/6/1995 there was a criteria for giving benefit of time

bound promotion to the Government servant serving in Class-C and Class-D. According to the respondents for claiming the benefit of the G.R. a Government servant must be otherwise eligible for the promotion. It is submitted that as the applicants did not clear the Class-I examination as per the norms of the Police Wireless Department, consequently the applicants were not entitled for the benefit of the G.R. dated 8/6/1995 and the subsequent G.Rs. It is submission of the respondents that the applicants have cleared the Class-I examination on the respective dates and year as mentioned in the reply. It is contention of the respondents that before clearing the examination, the applicants were not entitled for time bound promotions or Assured Career Progressive. In view of this, it is submitted that all the applications are liable to be dismissed.

7. The learned counsel for the applicants has placed reliance on the Judgment delivered by the Hon'ble Bombay High Court, Division Bench at Aurangabad in Writ Petition No.3643/2009, on 21/11/2017. Before the Hon'ble High Court the issue was that whether the Assistant Police Sub Inspector in Wireless Section of Police Department was entitled for the relief of time bound promotion on completion of age 45 years without clearing the departmental examination. In that proceeding contentions were raised by the Petitioner that the G.R. was issued by the GAD, Government of Maharashtra and direction was given by the Government in the year 1977 to exempt the persons who have crossed

45 years of age from passing the departmental examinations and directions were issued to the Departments of State to carry out suitable amendments in the Service Rules applicable to the respective Departments. Before the Hon'ble High Court it was demonstrated that in spite of this direction, the various Departments of the Government (including wireless section of the Police Department) did not take any interest in framing the rules to give exemption to the Government servants from passing the departmental examination on completion of age of 45 years.

8. The Petitioner in Writ Petition No. No.3643/2009 (Mukund S/o Shankarlal Daima) was the Assistant Police Sub Inspector in Wireless Section of the Police Department and he joined service in the year 1980. The Petitioner cleared Class-IV examination and Class-III examination. Thereafter, he was unable to clear Class-II and Class-I examinations as per the norms fixed by the Department. In this situation, in Para-19 it is held by the Hon'ble High Court as under –

"(19) In view of aforesaid, it would be appropriate that the petitioner employed in Wireless Section of Police Department is given benefit of promotion to the next level post without insisting upon departmental or Class-I and II examination, on attaining age of 45 years by giving deemed date of promotion. Since it is stated that petitioner is no longer in service having retired on superannuation, as such, he shall be given deemed date of promotion from the date of promotion of his junior, along with all consequential benefits."

9. In my opinion in view the above discussion, it is not possible to accept submission canvassed by the learned counsel for the applicants that it was not at all necessary for the applicants to clear the departmental examinations as per the norms fixed by the Police Department, but in view of the law laid down by the Hon'ble Bombay High Court in Writ Petition No.3643/2009, I am of the view that on ground of parity, on completion of age of 45 years, each applicant was entitled for the time bound promotion or the Assured Career Progressive as per the G.Rs. issued by the Government.

10. So for far as question of limitation is concerned, I do not see any merit in this contention of the respondents, for the reason that being a model employer, it should not lie in the mouth of the respondents that the applications are barred by limitation. As a matter of fact after the Judgment in Writ Petition No.3643/2009 it was necessary on the part of the respondents to examine the cases of the Police Personnel serving in Wireless Section of Police Department who had completed the age of 45 years but to whom time bound promotions or Assured Career Progressive benefits were not given and should have sue-motu granted them the reliefs.

11. In view of this discussion, I am compelled to say that the applicants are entitled for limited relief in these matters. In the result, I pass the following order -

ORDER

The respondents are directed to issue time bound promotion / Assured Career Progressive benefit to the applicants from the date they have completed the age of 45 years. The respondents shall fix the salary of the applicants, pay them the arrears and revise their pension. The respondents are directed to comply this order within three months from the date of this order. No order as to costs.

Dated :- 19/03/2021.

**(Shri Shree Bhagwan)
Vice Chairman.**

*aps.

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

Name of Steno : A.P.Srivastava

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 19/03/2021.

and pronounced on

Uploaded on : 22/03/2021.