

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 87/2021 (D.B.)**

Govardhan Bhimrao Nimbalkar, Aged about 54 years,
Occupation: Service,
R/o Hanuman Nagar, Chhoti Umari,
Akola, Tah. & Dist. Akola.

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, Akola, Tah. & Dist. Akola.

Respondents.

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

Shri S.A.Sainis, Id. P.O. for the respondents.

WITH**ORIGINAL APPLICATION No. 88/2021 (D.B.)**

Suresh Sadashivrao Raut,
Aged about 57 years,
Occupation: Service (Electrician Head Constable),
R/o Lakshdweep Colony, Arjun 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 Commissioner of Police, Amravati City,
Amravati.

Respondents.

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

WITH
ORIGINAL APPLICATION No. 89/2021 (D.B.)

Sevakram Pundlikrao Ingole,
Aged about 56 years,
Occupation: Service,
R/o Nakshtra Twoship, Shegaon Rahatgaon 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 Commissioner of Police,
Amravati City, Amravati.

Respondents.

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

Shri S.A.Sainis, Id. P.O. for the respondents.

WITH
ORIGINAL APPLICATION No. 97/2021 (D.B.)

Subhas Ramkrishna Moon,
Aged about 66 years,
Occupation: Retired (ASI- RMO),
R/o Gitikhadan, Behind Budha Vihar,
Katol road, 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 Superintendent Of Police (Rural),
Nagpur, Tah. & Dist. Nagpur.

Respondents.

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

Shri S.A.Sainis, Id. P.O. for the respondents.

WITH
ORIGINAL APPLICATION No. 112/2021 (D.B.)

Shrikrushna Marotrao Kajalkar,
Aged about 62 years,
Occupation: Service (Electrician Head Constable),
R/o Kailas Nagar Near Gopal Nagar,
Badnera 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 Amravati Rural,
Camp Amravati, Tah. and Dist. Amravati.

Respondents.

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

Shri S.A.Sainis, Id. P.O. for the respondents.

WITH**ORIGINAL APPLICATION No. 165/2021 (D.B.)**

Deoratnam Mahadeo Bhushanwar,
Aged about 65 years,
Occupation: Service,
R/o Plot No. 75, Manglam Buld.,
Sadbhavana Nagar, Near Vishwakarma Mandir,
Zingabai Takli, Nagpur, Tah. & Dist. Nagpur.

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),
Nagpur, Tah. and Dist. Nagpur.

Respondents.

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

Shri S.A.Sainis, Id. P.O. for the respondents.

WITH
ORIGINAL APPLICATION No. 166/2021 (D.B.)

Ramchandra Zunuji Tekam,
Aged about 78 years,
Occupation: Retired (ASI- RMO),
R/o Surendrabad, Seminary Hill,
Nagpur, Tah. & Dist. Nagpur.

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 (Wireless) (East Zone), Nagpur,
Tah. And District Nagpur.

Respondents.

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

Shri S.A.Sainis, Id. P.O. for the respondents.

WITH

ORIGINAL APPLICATION No. 167/2021 (D.B.)

Dinkarvenkatrao Satnarayan Dodla,
Aged about 61 years,
Occupation: Retired (PSI),
R/o MIG 14/2, Trimurti 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, SRPF Group-XV,
IRB Gondia Camp Nagpur.

Respondents.

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

Shri S.A.Sainis, Id. P.O. for the respondents.

WITH**ORIGINAL APPLICATION No. 190/2021 (D.B.)**

Arvind Sadashiv Shambharkar,
Aged about 71 years,
Occupation: Retired (ASI- RMO),
R/o Misal Lay out 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 Superintendent of Police, Yavatmal,
Tah. and Dist. Yavatmal.

Respondents.

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

Shri S.A.Sainis, Id. P.O. for the respondents.

WITH

ORIGINAL APPLICATION No. 191/2021 (D.B.)

Madhukar Mahadeorao Khedkar,
Aged about 61 years,
Occupation: Retired (ASI- Wireless),
R/o Agashe Lay-out, Near Post office,
ITI Colony, Malkapur, Akola Tah. & Dist. Akola.

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 (Amravati City),
Tah. and Dist. Amravati.

Respondents.

WITH

ORIGINAL APPLICATION No. 192/2021 (D.B.)

Madhav Gondvindrao Khope,
Aged about 59 years,
Occupation: Retired (PSI- Wireless),
R/o Near Vitthal Mandir,
Nage layout, Kaulkhed, Akola, Tah. & Dist. Akola.

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 Amravati (Rural),
Tah. and Dist. Amravati.

Respondents.**WITH****ORIGINAL APPLICATION No. 193/2021 (D.B.)**

Chandrashekhhar Vitthobaji Choudhari,
Aged about 64 years,
Occupation : Retired (ASI-RMO),
R/o Sliver Moon Society, Baner,Pune, Tah. & Dist. Pune.

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 (Rural),
Amravati Tah. and Dist. Amravati.

Respondents.

WITH
ORIGINAL APPLICATION No. 194/2021 (D.B.)

Sudhakar Ramkrushna Nanwatkar,
Aged about 60 years,
Occupation: Retired (ASI- RMO),
R/o Near Ashiyad Colony, Manisha Colony,
Shegaon 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 (Rural),
Amravati Tah. and Dist. Amravati.

Respondents.

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

Shri S.A.Sainis, Id. P.O. for the respondents.

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

Date of Reserving for Judgment : 12th July, 2021.

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

COMMON JUDGMENT**(Delivered on this 19th day of July, 2021)**

Heard Shri S.N.Gaikwad, the learned counsel for the applicants and Shri S.A.Sainis, learned P.O. for the respondents.

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 –

Sr. 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.	87/2021	30.12.1989	Govardhan Bhimrao Nimbalkar	ASI Wireless	Class-I -2014	30.07.1966	30.07.2011
2.	88/2021	16.12.1988	Suresh Sadashivrao Raut	HC-Electrician	Class-I-2014	10.09.1964	10.09.2009
3.	89/2021	30.07.1993	Sevakram Pundalikrao Ingole	ASI Wireless	Class-I-2012	02.11.1964	02.11.2009
4.	97/2021	02.03.1981	Subhash Ramkrishna Moon	ASI- Wireless	Class-II-1999	31.08.1955	31.08.2000
5.	112/2021	20.01.1981	Shrikrushna Marotrao Kajalkar	HC-Electrician	Class-I-2007	05.10.1958	05.10.2003
6.	165/2021	26.02.1981	Deoratanam Mahadeo Bhushanwar	ASI-Wireless	NIL	09.07.1956	09.07.2001
7.	166/2021	1968	Ramchandra Zunuji Tekram	ASI-Wireless	NIL	30.05.1942	30.05.1987
8.	167/2021	30.09.1980	Dinkarvenkatrao Satnarayan Dodla	PWSI Wireless	Class-I-2014	20.06.1959	20.06.2004
9.	190/2021	01.09.1975	Arvind Sadashiv Shambharkar	ASI- Wireless	Class-IV-1995	19.07.1949	19.07.1994
10	191/2021	02.06.1982	Madhukar Mahadeorao Khedkar	ASI -Wireless	Class-I-2014	30.06.1959	30.06.2004
11	192/2021	22.11.1986	Madhav Govindrao Khope	ASI-Wireless	Class-I-2010	05.02.1961	05.02.2006
12	193/2021	08.02.1983	Chandrashekar Vittobaji Choudhari	ASI-Wireless	Class-IV-1991	21.08.1957	21.08.2002
13	194/2021	27.12.1983	Sudhakar Ramkrushna Nanwatkar	ASI-Wireless.	Class-II-2012	16.04.1960	16.04.2005

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 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 :- 19/07/2021.

(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 : 19/07/2021.

and pronounced on

Uploaded on : 19/07/2021.