

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 330 of 2023 (S.B.)**

- 1) Shymrao Chirkutrao Raut,
Age 69 yrs., R/o. Musani layout, Alodi Sathoda Road,
Wardha, Tha. & Dist. Wardha.
- 2) Sudhakar Panjabao Anjankar
Aged 64 yrs., R/o. Plot No. 70 Gorle layout Godhani Road,
Zingabai Takali, Nagpur- 440030.
- 3) Khusahl Nagorao Keche
Aged, 68 yrs., R/o. Shrikrishna Nagar, Godhani Road,
Zingabai Takali, Nagpur- 440030
- 4) Shravan Damaji Nannaware
Age 62 yrs., R/o. Plot No. 9, Popular housing society Near Vidhyan
Nagar, Manewada Nagpur-440034.
- 5) Mahesh Sukhdeve Wankhede
Aged 50 yrs., R/o. 34, Dnyanadeep nagar,
Behind SRPF Camp, Hingna Road, Nagpur- 440016.
- 6) Ashok Tanbaji Chaware,
R/o. Mahesh Apartment, Plot No. 360, Shri Nagar, Nagpur.
- 7) Mudhukar Rupchand Ghatbandhe
Age 60 yrs., R/o. Aradhana Society Taha Apartment,
Plot No. 203 behind Petrol Pump, Godhani Railway, Nagpur- 441123.
- 8) Narendra Mahadeo Satpute
Age 54 years, R/o. C/o. Vikas Rahangdale Fulchur, Ambatoli, Gondia.
- 9) Avinash Wasudeo Mohurle
Aged 49 yrs., R/o. I.T.I. Chouk, Mul Road, Gadchiroli, Pin-442605.
- 10) Mrs. Manisha Govindrao Idpachi
Aged 43 yrs., R/o. Sawan Society, Hanuman Nagar,
Mankapur Godhani Road, Nagpur- 440030
- 11) Sunil Vithalrao Kumbhre,
Aged 53 yrs., R/o. Ingole layout, Zingabai Takali Near,
Mahajan Complex, Godhani Road, Nagpur - 440030.

- 12) Premdas Kawaduji Mondhe
Aged 57 years, R/o. Flat No. 104 Amarjyoti Palace, 1st Floor,
Gajanan Nagar, Godhani Road, Zingabai Takali, Nagpur-440030.
- 13) Arun Pandharinath Sorte (deleted).
Aged 53 yrs., R/o. Sushila Co.operative Society, Saurab Nagar,
Besa Ghogli, Nagpur- 440034.
- 14) Pankaj Sadashiv Zalke,
Aged 45 yrs., R/o. Flat No. 201, 2nd Mala Balaji Sanyog Apartment
beside Indian Petrol Pump, Besa, Nagpur-440037.
- 15) Sharad Haran Malakar,
Aged 64 yrs., R/o. Krishna Nagar, Mul road, Chandrapur,
House No. 1055.
- 16) Bhimraj Baliram Sabale (deleted)
Aged 59 years, R/o. Chandramayur Co.operative Housing Society
Row- hosue No. 8, Champanagari, Kamal Road, Jail Road, Nasik Road,
Nasik pin - 422101.
- 17) Vijay Sattu Shirolkar (deleted)
Aged 55 yrs., Ecp Wastu Satav Nagar, Survey No. 71,
Sinhagad Building A7/24, Handewadi Road, Hadapusar, Pune-440028.
- 18) Chintaman Mahipati Bhusare (deleted)
Aged 57 yrs., R/o. Vrundawan Bungalow Shriram Nagar,
Near Oliflower School Naragan Bapu Nagar, Jail Road,
Nashik Road, Nashik.
- 19) Dilip Vasantrao Lavade,
Age 55 years, R/o. Vishwaprabha Colony,
Shegao to Rahatgao Road, Amravati Pin- 444621.
- 20) Smt. Shobha Ramchandra Tekam
Aged 48 yrs., R/o. Surendragad New Mahatma Gandhi Nagar,
Seminary Hills Near Ganesh Stores, Nagpur.
- 21) Sanjay Ramdas Lonare,
Aged 56 years, R/o. MIDC Road, Navegaon, Gramsevak Colony,
Tah. & Dist. Gadchiroli.
- 22) Ajay Gulabrao Purkam,
Aged 39 years, R/o. Plot No. 24, Ingole layout, Mata Nagar,
Behind Mahajan Complex, Zingabai Takali, Godhani Road,
Nagpur- 440030.

- 23) Sau. Ujwala Nilesh Gaddam,
Age 49 years, R/o. Industry optical house No. 522,
Pachpaoli Road, Golibar Square, Nagpur.
- 24) Vinod Manoharlal Atram,
Aged 49 yrs., R/o. Gaddigodam behind Gondsabha,
Pathshala Mohan Nagar, Nagpur.
- 25) Anup Prabhakar Shingote,
Age 47 yrs., R/o. Plot No. 86 Radke layout, Balaji Nagar,
Hingna Road-440016.
- 26) Arvind Ahibaran Pal,
Aged 55 yrs., R/o. 42 yrs., Samaj Bhushan Society,
Manish Nagar, Nagpur-440037
- 27) Vijay Tulsiram Sidam,
Aged 57 yrs., R/o. Shalini Complex-3, Near Gajanan Maharaj Mandir,
Sarkar, Nagar, Chandrapur-442401
- 28) Purushottam Domaji Atram,
Age 55 yrs., R/o. Shriram Towers, Battuwar Complex, Behind SBI Bank
Chandrapur Road, Gadchiroli, Plot No. 104, Pin-442605.
- 29) Diwakar Bhagwan Sadmake,
aged 48 yrs., R/o. Durga Nagar, MIDC Road, navegaon Near,
New RTO office, Gadchiroli.
- 30) Dinkar Bhimrao Dabhade,
Aged 58 yrs., R/o. Plot No. 84 Kalmegh Nagar,
CRPF Gate, Hingna Road, Nagpur-440016.
- 31) Smita Nandakishor Kalambe,
Aged 44 yrs., R/o. C/o. Milind Ramteke behind Petrol Pump,
Mul Road, Gadchiroli.
- 32) Kalidas Mithuji Pada,
Aged 43 yrs., R/o. Anand Nagar, Tah. & Dist. Gadchiroli
- 33) Gopal Rambhau Ghatare,
Aged 50 yrs., R/o. Telipura Balabhau peth, Nagpur.
- 34) Arun Prlhadrao Borade,
Aged 52 years, R/o. Plot No. 48, Sai Nagar, Tractor Company,
Hingna Road, Nagpur- 440016.

- 35) Irfan Ibrahim Talvi (deleted)
Aged 55 yrs., R/o. Khiroda Post-Rasalpur, Tah. Rawer, Dist. Jalgaon.
- 36) Prakash Wamanrao Raut,
Aged 52 years, R/o. Plot No. 44, Mata Nagar, Zingabai Takali,
Nagpur-440030.
- 37) Pramod Sadashiv Bhakre,
Aged 53 years, R/o. Al, Gangadhar apartment NIT, Layout,
Plot No. 3,4 & 5 Swawalambi Nagar, Nagpur-440022.
- 38) Suratsing Ramdassing Mendole,
Age 35 years, R/o. Yogendra Nagar, Plot No. 55, Near Nehru Colony,
Nagpur-440013.
- 39) Chandrasekhar Krushnrao Puranik,
Aged 61 years, R/o. Flat No. 47, Yeshoda Nagar, Phase-2,
Jaitala Road, Nagpur-440036
- 40) Gunawant Ankushrao Mude
Aged 51 years, R/o. Plot No. 158, Hawra Peth, Bhagwan Nagar,
Nagpur-440027.
- 41) Ashfak Akbar Hussain,
Aged 57 years, R/o. C/o. Sau Sarita Raimatkar Shastri, Ward,
Near Rice mill behind Gajanan Mandir, Gondia, Dist. Gondia.
- 42) Narendra Madhukar Asole,
Aged 54 years, R/o. Plot No. 54, Dhanwantari Nagar, Umred Road,
Nagpur-440009
- 43) Vikas Haribhau Deshpande,
Aged 54 years, R/o. Deodatta Apartment 86, Sahakar Nagar,
Nagpur-440025.
- 44) Vijay Deorao Kamdi,
aged 57 years, R/o. F3/30 Ishwar Apartment,
New Subheddar layout, Nagpur-440024
- 45) Riyaz Mushtak Shaikh,
Age 59 years, R/o. Aman Pride B wing, Flat No. 301,
Mahesh Nagar, Nagpur-440013.
- 46) Prakash Govindrao Chawke,
Age 50 yrs., Plot No. 110, Pardhi nagar, Hingna Road,
Nagpur-440016.

- 47) Kashinath Mangaji Udar (deleted)
Aged 55 yrs., R/o. Mahasagar, Row-House No. 4,
Kishor Suryawanshi Shivsamartha Nagar, Near Praneet School,
RTO Office, Nashik- 422004.
- 48) Maheshkumar Deochand Masram
Aged 49 years, R/o. Vidya Ward, Sadak Arjuni, Tah.- Sadak,
Arjuni, Dist. Gondia.
- 49) Premdas Somaji Nandanwar,
Age 57 yrs., R/o. Plot No. 43/B, Vithal Nagar No. 1, Ladikar layout,
behind Santa Gadgebaba Temple, Nagpur-440034
- 50) Alka Sachin Chawre,
Aged 39 yrs., R/o. Plot No. Nirmal Colony Nara Road,
Nagpur-440014.
- 51) Dharmendra Hariram Mishra,
Aged 43 years, R/o. C/o. Shri Rupesh Gotmare, Flat No. 301,
Netaji Society, Zingabai Takali, Nagpur.
- 52) Vijay Ramchandra Gadekar
Aged 54 yrs., R/o. Chandravati Nagar, behind Bhappidham Temple,
Badnera Road, Amravati-444607.
- 53) Sudhir Tukaram Desai (deleted)
Aged 50 yrs., R/o. Malaygiri 304, Malaygiri Sahyandri,
Co.operative Housing Society, Shri Siddhi Vinayak nagar,
Penkarpada, Pandurang wadi, Mira Road, East- Dist.- Thane -401107.
- 54) Yashwant Mahadeorao Umredkar,
Aged 55 yrs., R/o. Plot No. 34, Shrikrishna Nagar, Wathoda,
Layout in front of Dr. Masane, Nagpur-440009
- 55) Sadanand Vishnu Borhade (deleted)
Aged 48 yrs., R/o. Ramabai Ambedkar Nagar,
Gali No. 4, Dakshata Co.operative housing society, B2/35 Sainath
Building Ghatkopar, East-Mumbai-400075
- 56) Milind Bansidhar Naik (deleted)
Aged 46 yrs., R/o. Joseph Mistri Building Block No. 3/4, 12nd Pitamber
Lane Mahim West, Mumbai-400016.
- 57) Milind Rambhau Ghule
Aged 55 yrs., R/o. Dattakrupa Residency, Plot No. 303, Pausale layout,
Kaulkhed Akola- 444001

- 58) Prashant Suryanandan Uikey
R/o 84. Radkey Layout Hingna Road, Nagpur-440 016.
- 59) Vithal Baburao Dhone (deleted)
Aged 47 yrs., R/o. Gategao,
Tah. + Dist. Latur-413511.
- 60) Pankaj Yeshwantrao Taywade
Aged 50 yrs., R/o. Plot No. 21, Near Gajanan School,
Ayodhya Nagar, Nagpur-440024.
- 61) Hari Chiranjiv Pande,
age 44 years R/o House. No.112 Bansinagar,
Hingna Road Nagpur-440 031.
- 62) Prabhakar Sonbaji Wandhre,
age 57 years, R/o Tukum behind Dhande Hospital,
Tah. + Dist. Chadrapur.

Applicants.

Versus

- 1) The State of Maharashtra
Through its Secretary Home Department,
Mantralaya, Mumbai-400032.
- 2) The Director General of Police Maharashtra
State, Kulaba, Mumbai-400032.
- 3) The Addl. Director General of Police Communication and Transport,
Chavan nagar, Pune-411008.

Respondents.

Shri D.S. Sawarkar, Advocate for the applicants.

Shri A.P. Potnis, learned P.O. for respondents.

WITH
ORIGINAL APPLICATION No. 646 of 2023 (S.B.)

- 1) Ramesh Chokhabaji Dable
Age 58 yrs., Occ.- Retired
R/o. Kulkarni Apartment, Building 7, Flat No. G-001, Kachore Patil Nagar,
Wardha Road, Nagpur.
- 2) Gulab Gumaji Rathod
Aged 57 yrs., Occ.- Service
R/o. Rohidas Ghasu Jadhav, Venkatesh colony, Chikhali, Dist. Buldana.

- 3) Dharmaraj Shreeram Nuruti
Aged 52 yrs., Occ.- Service
R/o. Belgaon, Po. Bedkathi, Tah. Korchi, Dist. Gadchiroli.
- 4) Vidyanand Gyaniram Rodge
Age 57 yrs., Occ.- Service
R/o. Village post Deolgaon Raja, Tah.Deolgaon Raja, Dist. Buldana.
- 5) Raju Charandas Nandeshwar
Aged 50 yrs., Occ. Service
R/0.71, Wahane layout, Swalambi Nagar, Nagpur.
- 6) Narayan Yashwant Pawar,
Aged 58 yrs., Occ.- Retired
R/o. Bharat Nagar, Chandur Railway Road, Near Wadali Naka, Amravati.
- 7) Praveen Marotrao Jawanjad
Age 44 yrs., Occ.- Service
R/o. Plot No. 25, Jaidurga Colony, Bhoge layout, Trimurty Nagar,
Nagpur-440022.
- 8) Anil Mohan Bawlekar
Age 60 years, Occ.- Retired
R/o. C/o. A.V. Tudaskar, Murri Railway Chowki, Shreenagar, Gondia.
- 9) Arun Narayan Jadhav
Aged 57 yrs., Occ.- Service
R/o. 2nd floor, above Cake for U shop, Near Ajit Bakery, Manish Nagar,
Nagpur
- 10) Suresh Narsima Deglur
Aged 58 yrs., Occ.- Retired
R/o. Juna Kalamna, Kamptee Road, Swami Vivekanand Nagar,
Plot No. 1/2, Nagpur.
- 11) Vinod Laxman Shirle,
Aged 61 yrs., Occ.- Retired R/o. Behind Pankaj Hall, Narada,
Kamptee Road, Nagpur.
- 12) Anil Narayan Dhanke
Aged 57 years, Occ.- Service
R/o. Hingangaon, Po. Kasarkheda, Tah. Dhamangaon Railway,
Dist. Amravati.
- 13) Sanjay Bhagwan Kirve,
Aged 54 yrs., Occ.- Service
R/o. Police Nagar, Plot No. 84, Hinga Road, Nagpur

- 14) Deepak Wamanrao Shirsat,
Aged 57 yrs., Occ.- Service
R/o. Balaji Nagar Vistar, Manewada Road, Nagpur.
- 15) Manoharlal Kamal Kapse,
Aged 53 yrs., Occ. - Service
R/o. Shree Ganesha Medical Store, Near Yashodha Sabhagruh,
Shastri Ward, Gondia.
- 16) Suresh Maroti Ghule,
Aged 57 years, Occ.- Service
R/o. C/o. A.V. Tudaskar Murri Railway Chowki, Shreenagar, Gondia.
- 17) Venkatesh Satyanaran Rao,
Aged 62 yrs., Occ.- Retired
R/o. Plot No. 552, Babadeepsingh Nagar,
Po. Uppalwadi, Nagpur
- 18) Avinash Krushnarao Hazare,
Aged 51 yrs., Occ.- Service
R/o. Dadmahal Ward, In front of Sakate Mandir, Jail Road, Chandrapur.
- 19) Vibhas Sudhir Vishwas,
Age 61 years, Occ.- Retired
R/o. Juna Kalamna, Kamptee Road, Swami Vivekanand Nagar,
Plot No. 1/2, Nagpur.
- 20) Sheshrao Sahebrao Kharat
Aged 56 yrs., Occ.- Service
R/o. Plot No. 4, Rajgruh Nagar, Near CRPF Gate, Hingna Road,
Nagpur.
- 21) Vijay Gyaneshwar Solav,
Aged 52 years, Occ.- Service
R/o. Shreekrupa Nagar, Near Nakshtra Township, Shegaon Rahatgaon
Road, Amravati.
- 22) Vishnu Laxman Gaikwad,
aged 52 years, Occ. Service
R/o. Near Panchmukh Mahadeo Mandir, Tah. Chikhali, Dist. Buldana
- 23) Manoj Madhukar Mulkalwar,
Age 58 years, Occ.- Retired
R/o. Plot No. 98, Rukhmini Nagar, Khat Road, Bhandara.

- 24) Rajendra Kisanrao Ahire,
Aged 57 yrs., Occ.- Retired
R/o. 79, Wahane Layout, Swalambi Nagar, Nagpur.
- 25) Suryabhansingh Shankarsingh Gahalot,
Age 57 yrs., Occ.- Service
R/o. Plot No. 4 Rajgruh Nagar, Near CRPF Gate, Hingna Road,
Nagpur.
- 26) Shashikant Dattatray Deshpande,
Aged 64 yrs., Occ.- Retired\
R/o. C/o. Vyankatesh Satyanarayan Rao, Plot No. 552,
Baba Deepsingh Nagar, Po. Uppalwadi, Nagpur
- 27) Nilwant Vishwanath Balvir,
Aged 58 yrs., Occ.- Retired
R/o. Samta Nagar, Ward No. 3, Kishorkar layout,
Om Polytechnic College, Sawangi (Meghe), Wardha, Dist. Wardha.
- 28) Bharat Vasudeo Gedam,
Age 53 yrs., Occ.- Service,
R/o. Kuyardand, Po. Bhusi, Tah. Chimur, Dist. Chandrapur.
- 29) Vinod Ramchandra Mahalle
Aged 52 yrs., Occ. Service
R/o. 550, Nitin Vihar, Behind Nisarg Lawn, Sai Nagar, Amravati.
- 30) Vikas Laxman Bhendarkar,
Aged 58 yrs., Occ.- Retired
R/o. Plot No. 8, Shyamnagar, Hudkeshwar- Road, Nagpur
- 31) Sau. Vandana Narendra Kawane,
Aged 53 yrs., Occ.- Service
R/o. Police Wireless Qtr., Building 3, room No.4
Camp Near City Office, Amravati.
- 32) Smt. Neha Vijay Parteki,
Aged 47 yrs., Occ.- Service
R/o. Ladikar Layout, Plot No. 47, Kajal Apartment,
Flat No. 101, Nagpur.
- 33) Babasaheb Chandrakant Waghmare,
Aged 53 yrs., Occ.- Service
R/o. 60, Trust Line, Vishwakarma Nagar, Nagpur
- 34) Subhash Ganpatrao Gaikwad,
Aged 65 years, R/o Bhakti Vihar, Parvati Nagar, Amravati.

Applicants.

Versus

- 1) The State of Maharashtra
Through its Secretary Home Department,
Mantralaya, Mumbai-400032.
- 2) The Director General of Police Maharashtra
State, Kulaba, Mumbai-400032.
- 3) The Addl. Director General of Police Communication and Transport,
Chavan nagar, Pune-411008.

Respondents.

Shri D.S. Sawarkar, S.M. Khan, Advocates for the applicants.

Shri A.P. Potnis, learned P.O. for respondents.

WITH**ORIGINAL APPLICATION No. 886 of 2023 (S.B.)**

- 1) Sadanand Vishnu Borhade,
Aged 48 yrs., R/o. Ramabai Ambedkar Nagar, Gali No. 4,
Dakshata Co.operative housing society, B2/35 Sainath Building
Ghatkopar, East-Mumbai-400075.
- 2) Vijay Sattu Shirodkar,
Aged 55 yrs., Ecp Wastu Satav Nagar, Survey No. 71,
Sinhagad Building A7/24, Handewadi Road, Hadapusar, Pune-440028.
- 3) Chintaman Mahipati Bhusare,
Aged 57 yrs., R/o. Vrundawan Bunglow Shriram Nagar,
Near Oliflower School Naragan Bapu Nagar, Jail Road, Nashik Road,
Nashik.
- 4) Irfan Ibrahim Talvi,
Aged 55 yrs., R/o. Khiroda Post-Rasalpur,
Tah. Rawer, Dist. Jalgaon.
- 5) Sudhir Tukaram Desai,
Aged 50 yrs., R/o. Malaygiri 304, Malaygiri Sahyandri,
Co.operative Housing Society, Shri Siddhi Vinayak nagar,
Penkarpada, Pandurang wadi, Mira Road, East- Dist.- Thane -401107.
- 6) Bhimraj Baliram Sabale,
Aged 59 years, R/o. Chandramayur Co.operative Housing Society
Row- hosue No. 8, Champanagari, Kamal Road, Jail Road,
Nasik Road, Nasik pin 422101.

7) Milind Bansidhar Naik,
Aged 46 yrs., R/o. Joseph Mistri Building Block No. 3/4,
12nd Pitamber Lane Mahim West, Mumbai-400016

Applicants.

Versus

- 1) The State of Maharashtra
Through its Secretary Home Department,
Mantralaya, Mumbai-400032.
- 2) The Director General of Police Maharashtra
State, Kulaba, Mumbai-400032.
- 3) The Addl. Director General of Police Communication and Transport,
Chavan nagar, Pune-411008.

Respondents.

Shri D.S. Sawarkar, S.M. Khan, Advocates for the applicants.

Shri A.P. Potnis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 06/03/2024.

COMMON JUDGMENT

Heard Shri D.S. Sawarkar / Shri S.M. Khan, learned counsel
for the applicants and Shri A.P. Potnis, learned P.O. for the respondents.

2. All the applicants were appointed as Police Constable
(Wireless Operator). As per the G.R. dated 03/01/1979, the Wireless
Operators were granted three advance increments, but the respondents
have discontinued the practice of granting three advance increments.
Hence, all the applicants approached to this Tribunal for the following
reliefs:—

*“(7) (i) allow the instant original application with cost.
(ii) to direct the respondent No.3 to release three advance increment on passing of proficiency test.
(iii) further be please to direct the respondent to pay arrears thereon and also release all consequential service benefit arise out of granting advance increment and also revised the pension considering the said benefits.”*

3. The O.As. are strongly opposed by the respondents. It is submitted that the applicants are not entitled to get the benefit as per G.R. of 1979. Hence, the O.As. are liable to be dismissed.

4. The learned counsel for applicants Shri D.S. Sawarkar has pointed out the Judgments of this Tribunal in the similar matters in O.A.No.104/2023 and in O.A.50/2023 with connected matters. This Tribunal in Para nos.7 and 8 of O.A.No.104/2023 has held as under –

*“(7) During the course of submission, the learned counsel for applicants Shri S.N. Gaikwad has pointed out the Judgment of this Tribunal in O.A.No. 50/2023 with connected matters, decided on 02/08/2023. This Tribunal has held that in view of the Judgment of Hon’ble Supreme Court in the case of **State of Uttar Pradesh and Others Vs. Arvind Kumar Shrivastav, 2015 (1) SCC,347**, the applicants are entitled for equal treatment as like similarly situated employees to whom benefits of three advance increments were granted.*

(8) As per the submission of learned counsel for applicant, the Maharashtra Administrative Tribunal, Bench at Aurangabad in O.A.No.647/1996 passed the following order –

"In view of the above discussion, this application is partly allowed. The recovery ordered is quashed and set aside The respondents are directed to consider the restoration of advance increments as per the practice prevailing before 1.1.1986, similar to the practice being followed by the Government of

India even now after 1.1.1986. The continuance is being suggested only for Radio Mechanics and Wireless Operators and not for Electricians, since the Government of India is not giving any special pay to the Electricians. However, since the amount already paid to the Electricians was not due to any mistake on their part, the same need not be recovered. There will be no order as to costs.”

5. The G.R. of 1979 is very clear. As per the G.R., the Wireless Operators are entitled to get three increments. All the applicants have made representations and prayed to direct the respondents to decide the same. Hence, the following order –

ORDER

- (i) The O.As. are allowed.
- (ii) The respondents are directed to decide the representations of the applicants within a period of two months from the date of receipt of this order.
- (iii) No order as to costs.

Dated :- 06/03/2024.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 06/03/2024.