

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****COMMON JUDGMENT IN O.A.NO.50/2023 & O.A.NO.317/2023****ORIGINAL APPLICATION NO. 50/2023 (S.B.)**

1. Suresh Ramchandra Rakshe, aged about 62 years, Occupation: Retired (Radio Mechanic), R/o Ward No. 3 Laxmi nagar, Near Lucky Tower, Wardha, Tah. & Dist. Wardha.
2. Vinod Madhukarrao Deshpande, aged about 60 years, Occupation: Retired (Radio Mechanic), R/o Vastlya-20, Behind N.B. Town, Phase-II, Ganpati nagar, Nagpur.
3. Subhash Ghanshyam Madankar, aged about 60 years, Occupation: Retired (PWSI-E), R/o Plot no. 33, Behind Ajanadevi Sabhagruha, Sadbhawana nagar, Zingabai Takali, Nagpur, Tah. & Dist. Nagpur.
4. Prassana Madhukar Shouche, aged about 58 years, Occupation: Retired (PWSI-E), R/o C/o M.D. Tarsekar, Plot No. 10, Gajanan nagar, Wardha road, Nagpur. Tah. & Dist. Nagpur.
5. Rajesh Shriram Dubey, aged about 60 years, Occupation: Retired (PWSI-E), R/o C/o Plot No. 25, Shrikrishna nagar, Godhani road Tah. & Dist. Nagpur.
6. Jitendra Rambhau Netanrao, aged about 49 years, Occupation: Service (Radio Mechanic), R/o Jaital road, Nagpur. Tah. & Dist. Nagpur.

7. Shivaji Bhiwaji Taware, aged about 58 years, Occupation: Retired (Radio Mechanic), R/o C-Wing, Gajanan Pride, Karanjkar nagar Kodoli Satara.
8. Vijaykumar Shankarrao Fulzele, aged about 60 years, Occupation: Retired, R/o Plot No. 30, Mangalmurti nagarm Arni road, Wadgaon ,Yavatmal.
9. Ganeshprasad Raghunathprasad Tiwari, aged about 59 years, Occupation: Retired, R/o Plot no. 23, Gut No. 103, Shilpnagar, Chate School road, Satara Parisar, Aurangabad.
10. Prakash Bhaskar Hardikar, aged about 59 years, Occupation: Retired Mechanic), R/o C/004, Varsha Park, Wayle nagar,, Kalyan (W), Thane.
11. Rajendra Dukhharan Mishra, aged about 60 years, Occupation: Retired (PWSI-E), R/o Lotus Panche Tower No. 8, flat No. 2205, Sector No. 110, Noida, Dist. Goutam Budh nagar, U.P.
12. Narendra Krushnarao Sahare, aged about 58 years, Occupation: Service (PWSI-E), R/o Plot No. 538, Nagarjun colony, Nara road, Nagpur.
13. Sunil Janardan Trimbake, aged about 60 years, Occupation: Retired (PWSI-E), R/o C/o Sachin Tapase atpost Potale, Tah. Karad, Dist. Satara.

14. Indrabhan Sonbaji Fulzele, aged about 64 years, Occupation: Service (Radio Mechanic), R/o Shri. Ambe Complex, G-2, PMG Coloney, Narencra nagar, Nagpur, Tah. & Dist. Nagpur.
15. Pradeep Maruti Gosavi, aged about 57 years, Occupation: Service- (PWSI), R/o At post Dhoki, Tah Parner, Dist. Ahmadnagar.
16. Pramod Ramdas Choudhari, aged about 47 years, Occupation: Service, R/o Flat No. BG-2, Shorya Estate, Suman Niwas, Beltarodi, Nagpur.
17. Sunil Babarao Mahatme, aged about 57 years, Occupation: Service (PWSI-E), R/o Plot No. 14, New Sahakar Nagar, Diamond nagar road, Nagpur.
18. Jaysingh Padamsingh Hajari, aged about 63 years, Occupation: Retired (PWSI-E), R/o Shree Padamji Niwas, Harshavardhan colony, Nimkheda Shivar, Jalgaon.
19. Sadanand Nilkanthrao Thote, aged about 57 years, Occupation: Service (PWSI-E), R/o Tina Apts, Shila nagar, Katol road, Nagpur, Tah. & Dist. Nagpur.
20. Umesh Baburaoji Thote, aged about 50 years, Occupation: Service (RM), R/o 83 Nagsen nagar Jaripatka, Nagpur.
21. Mahadeo Marotrao Gotmare, aged about 64 years, Occupation: Retired (PWSI-E), R/o Plot No.

185, Rukhamini nagar, New Subhedar lay out, Hudkeshwar road, Nagpur, Tah. & Dist. Nagpur.

22. Wasudeo Mahadeorao Khopade, aged about 60 years, Occupation: Retired (RMO), R/o Unnati nagar, Kaulkhed, Akola, Tah. & Dist. Akola.

23. Suryakant Daji Patil, Aged about 51 years, Occ.: Service (ASI Radio Mechanic), R/o 60/C, H.K. Daruwala Chal, Room No.64, Tadipitha, Hill road, Sain, Chunbhati, Mumbai-22.

24. Pradip Harishchandrarao Pund, Aged about 62 years , Occ.: Retired (ASI Radio Mechanic), R/o Maharudra Vihar, Arjun nagar, Amravati Tah. & Dist. Amravati.

25. Vinod Shamrao Ambarkar, aged about 64 years, Occupation: Retired (PWSI-E), R/o C/o Near Ganesh Vyas Temple, Sai nagar, Wardha, Tah. & Dist Wardha.

26. Vijay Sudhakar Nagulkar, aged about 62 years, Occupation: Retired (PWSI-E), R/o C/o Abhyankar nagar Plot No. 99, Nagpur, Tah. & Dist. Nagpur.

27. Dnyaneshwar S/o Haribhau Itadwar, aged about 57 years, Occupation: Service (RMO), R/o Tina Apts., Shila nagar, Katol road, Nagpur.

28. Moinuddin Abdul Jabbar Tanki, Aged about 60 years, occ:- Retired (PWSI-E), R/o Tanki

Chowal, House No. 3/42, Namak Bunder road Kalyan, Thane.

29. Bhimrao Duryodhanji Wavare, aged about 58 years, Occupation: Service- PWSI (Engg.), R/o 89-Shidheshwar nagar, Kharbi, Ring road, Hingna, Nagpur. Tah. & Dist. Nagpur.

30. Mukttaji Maruti Chopade, aged about 63 years, Occupation: Service- (PWSI-E), R/o 345, Mahada colony, N-9, CIDCO, Aurangabad.

31. Sagar Shankarrao Waghamre, aged about 59 years, Occupation: Service (PWSI-E), R/o Plot No. 57-B, Kailash nagar, Nagpur.

32. Gokul Gangaram Patil, aged about 63 years, Occupation: Service (PWSI-E), R/o Shrinivas Plot No. 9, Latur.

33. Keshav Bichchhulal Damahe, aged about 65 years, Occupation: Retirement- PWSI (Engg.), R/o Babhale lay out, Laxmi Park, Plot No. 265, Wana-Dongri, Hingna, Nagpur. Tah. & Dist. Nagpur.

34. Mohan Tulshiram Sarkate, Aged about 58 years, occ:- Retired (PWI-E), R/o Aurangabad.

35. Ravindra Mahadeorao Paraye, Aged about 60 years, occ:- Retired (ASI- RM), R/o Plot No. 22, Sudarshan nagar, Hudkeshwar Nagpur.

36. Digamber Namdeo Hirve, aged about 59 years, Occupation: Retired, R/o Bora Happy Home, Audhan, Pune.

37. Shankar Vitthobaji Lambhate, Aged about 57 years, Occupation : Service (ASI-RMO), R/o 201- Jayshree Apts., Nandanvan main road, Nagpur.

APPLICANTS

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/ Director of Police Wireless, Wireless Office, Pashan road, Pune-5.

RESPONDENTS

Shri S.N.Gaikwad, Ld. counsel for the applicants.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

With

ORIGINAL APPLICATION NO. 317/2023 (S.B.)

1. Dilip Bhagwantrao Kapile, aged about 64 years, Occupation: Retired (PWSI-E), R/o 27- Yoglaxmi colony, Near Sushil nagar, Rajapeth, Amravati.

2. Deepak Namdeoji Malame,
aged about 59 years,
Occupation: Retired (PWSI-E), R/o Plot No.92,
Lok Seva nagar, Trimurti nagar,
Nagpur.
3. Ajit Pandurang Kadam, aged about 48 years,
Occupation: Service (Radio Mechanic), R/o B/40,
Dena Ganesh C.H.S. Ashvinayak Marg, Thane.
4. Shailesh Ramesh Bhogale, aged about 50
years, Occupation: Service (Radio Mechanic), R/o
2A/1408, Centrury Height, Sadanand House,
Tandel Marg, Parbhadevi, Mumbai.
5. Umesh Ganesh Manjrekar, aged about 49
years, Occupation: Service (Radio Mechanic), R/o
B/27, Shivshankar, C.H.S. Vidyalaya Marg, Bhoir
nagar, Mulund (E), Mumbai.
6. Santosh Anant Malusare, aged about 53 years,
Occupation: Service (Radio Mechanic), R/o A/19,
old Police Line, Behind Andheri Court, Sahara
road, Andheri (E), Mumbai.
7. Pradip Shankar Sutar, aged about 51 years,
Occupation: Service (Radio Mechanic), R/o A/102,
Krishna Kamal C.H.S., Mahalaxmi Nagar, Nere
Sector-6, Panvel, Mumbai.
8. Bapu Keshav Patil, aged about 49 years,
Occupation: Service (Radio Mechanic), R/o A-

Block, Room No. 38, Sir Pochkhanwala road
Worli, Mumbai.

9. Eknath Keshav Pawar, aged about 56 years,
Occupation: Service (PWSI-E), R/o E/603, Dahisar,
Mandakini C.H.S., Shiv, Valabh cross road, Dahisar,
Mumbai.

10. Bhalchandra Ramkrishna Dhadke, aged
about 48 years, Occupation: Service (PWSIE), R/o
1002- Guruprabha, C.H.S., Senapati Bapat road,
Dadar, Mumbai.

11. Sunil Lallan Singh, aged about 51 years,
Occupation: Service (Radio Mechanic), R/o 6/603,
Kole Kalyan, Police colony, Kadam Wadi,
Shantacruz, Mumbai.

12. Sanjay Ankush Chavan, aged about 49 years,
Occupation: Service (Radio Mechanic), R/o
1403/14, AmrutShiddhi complex, SBI road, near
Titwala station, Thane.

13. Mukund Anantrao Patki, aged about 49
years, Occupation: Service (Radio Mechanic), R/o
C/20, Shrashha nagar No. 1 Khadki Akola, Tah. &
Dist. Akola.

14. Krishnat Nagnath Gadgade, aged about 49
years, Occupation: Service (Radio Mechanic), R/o
Plot No. 13, Vasant Vihar, Part-2 Near Puna
Naka, Solapur.

15. Sanjay Vasant Ransing, aged about 52 years, Occupation: Service (Radio Mechanic), R/o 11B/27, Shri Vivekanand Society, Sarsavat Colony Dombivalli Mumbai.

16. Yallappa Jakanna Koli, aged about 53 years, Occupation: Service (Radio Mechanic), R/o Plot No. 16, hariom nagar, Near Renuka Mangal Karyala, Solapur

17. Sandesh Manohar Salvi, aged about 53 years, Occupation: Service (PWSI-E), R/o 2423, Krishnakalp, Sahyadri nagar, TRP Nachane, Dist-Ratnagiri 415639.

18. Sudhir Gopalrao Bendre, aged about 64 years, Occupation: Retired (PWSI-E), R/o Building No. 154, B-wing, Flat NO. 5212, 3rd Floor, Kurla (E), Mumbai.

19. Sunil Parshuram Bangar, aged about 54 years, Occupation: Service (PWSI-E), R/o Gulmohar Apts., Madhuban society, Lane No. 9, old Sagavi, Pune.

20. Sunil Moreshwar Pote, Aged about 53 years , Occ.: Service (ASI Radio Mechanic), R/o Gat No. 1804, Plot No. 39, Swapnapurti Bunglow, Lambhodhar Park, Ramdara Road, Loni Kalbhor, Pune 412201.

21. Sudhir Attamram Chavan, Aged about 51 years , Occ.: Service (ASI Radio Mechanic), R/o 2/3 Dadar Police quarter, Dr. V.S. Matkar lane, Dadar West Mumbai.

22. Akash Vasant Nimbalkar, aged about 51 years, Occupation: Service (Radio Mechanic), R/o Flat No. 101, Dawarka Apts., Plot No. 92, Sector-1, Sangpada New Mumbai.

23. Santoshkumar Ramchandra Shelke, Aged about 53 years, Occupation : Service (ASI- Radio Macheinic), R/o 2/11, Sidharth nagar, Opposite Prabodhan Krida Bhawan, Goregaon West Mumbai.

24. Anil Vasant Mahindrakar, aged about 64 years, Occupation: Retired (Radio Macheinic), R/o Nandanvan Apts., Flat No. 17, Wing-A, Near Shivarkar Garden, Pune.

25. Chandrakant Laxmikant Choudhari, aged about 58 years, Occupation: Retired (PWSI-E), R/o flat No. 4, Yashshri Apts., Near Shivaji Putala Chowk, Aundhagaon, Pune.

26. Satish Sopan More, Aged about 61 years, occ:- Retired (PWSI-E), R/o Kalpataru colony, Lane No. 2, Survey No. 15, Karve nagar, Pune.

27. Dilipkumar Ningonda Patil, Aged about 58 years, occ:- Retired (PWSI-E), R/o 1008, A Ward Sangar Galli, Mangalwar peth, Kolhapur.

28. Shivdath Shankar Bharati, aged about 62 years, Occupation: Retired (PWSI-E), R/o Choudhari Park, Police Line-1, Near Santur Building Wakad Pune.

29. Vinayak Tekram Patale, Aged about 56 years, Occupation : Service (PWSI-E), R/o Plot No. 54, Keshav nagar, Raut Lay out Godhani road Nagpur.

30. Raju Sadashiv Mate, aged about 51 years, Occupation: Service (Radio Machenic), R/o Plot No. 84, Dupare Lay out Swalambi nagar, Near Panse B.Ed College, Nagpur.

31. Ajay Vaman Rajguru, Aged about 56 years, Occ.: Service (ASI Radio Mechanic), R/o A-wing, Flat No. 201, Rishabh Apartment, Sanghavi nagar, Mira road (East), Thane.

32. Sharad Mukundrao Desai, aged about 59 years, Occupation: Retired, R/o Latur Vidnyan nagar, Sawali Road, Sawali road, Miraj Dist.Sangali.

33. Rajesh Purushottam Narale, aged about 53 years, Occupation: Service (PWSI-E), R/o 21 Gupta lay out Nirmal Laxmi nagar Near old IUDP colony Makali road, Washim.

34. Chandrashekhar Shrimant Patil, aged about 46 years, Occupation: Service (ASI Radio Mechanic), R/o Mohanwillows, Phase-II, B2- 404,

Bhosale nagar, Mauli Chowk, Shrigaon, Badalapur, Thane.

35. Rajendra Bhalchandra Purkar, aged about 57 years, Occupation: Service (PWSI-E), R/o Flat No. 1201, Building No. K8, Katepuram Housing Society, Pimpale Gaurav Pune.

36. Bhalchandra Balkrushna Chhatre, aged about 60 years, Occupation: Retired (ASI Radio Mechanic), R/o 1055, Shripad Apts., Near Gaonbag Police Chowki Sangli.

37. Shivaji Nanasaheb Chavan, aged about 61 years, Occupation: Retired (ASI Radio Mechanic), R/o Warunji, Near Koyana Bridge, Behind Mauli Hotel, Karad Satara.

38. Pravin Laxmanrao Aaru, aged about 48 years, Occupation: Service (ASI Radio Mechani), R/o Ramraksha Plot No. 38, Near Shradha nagar No. 3 Mangrulpir road Kaulkhed, Akola.

39. Makarand Uddhav Kulkarni, aged about 47 years, Occupation: Service (ASI Radio Mechanic), R/o Aarush Apts., Flat No. G/A, Vir Shiv nagar, Jule, Solapur.

40. Shubhendraprasad Sakharam Masurkar, aged about 53 years, Occupation: Service (ASI Radio Mechanic), R/o Plot no. 239, Sai nagar, Infront of Leader Gas Company, Birwadi, Shahapur, Thane.

41. Rajendra Shripati Chavan, aged about 57 years, Occupation: Service (PWSI-E), R/o Plot No. 60, Karadegi nagar, A ward Fule wadi ring road, Kolhapur.

42. Bipin Ashok Shete, aged about 48 years, Occupation: Service (ASI Radio Mechanic), R/o C/6, Gopalkrishna CHS, Thane Belapur road, Vitawa, Post Kalwa, Dist. Thane.

43. Anand Shivaji Kadam, aged about 52 years, Occupation: Service (ASI Radio Mechanic), R/o C5, Roayl Vimal City, Radhika Road, Karanje Satara.

44. Makarand Yashwant Joshi, aged about 55 years, Occupation: Service (PWSI-E), R/o Flat NO. 102, Saishradha Residency, Ramanand nagar, Karvir Kolhapur.

45. Vijay Babu Bhosale, aged about 56 years, Occupation: Service (PWSI-E), R/o B-406, Rachana Apts., Juvekar Marg, Bhandup (E), Mumbai.

46. Vinod Shrawanji Panchabhai, aged about 62 years, Occupation: Retired (ASI Radio Mechanic), R/o Gurukrupa, Ganjipeth, Ganesh Chowk, Near Rajwada Palace Nagpur.

47. Satish Dadasaheb Shilimkar, aged about 53 years, Occupation: Service (PWSI-E), R/o E-101, Majestic Vinice, near Chavan High School, Dhayari Pune.

48. Vivekanand Krishnaji Joshi, aged about 56 years, Occupation: Service (PWSI-E), R/o Suman Shilp, Phase-I, Flat No. B 403, Parande nagar, Dighi Pune.

49. Girish Hari Upadhye, aged about 55 years, Occupation: Service (PWSI-E), R/o 75/1, Simala nagar, Near Gulmohar Apts., Vijayapur road Solapur.

50. Ravindra Ashokrao Deshpande, aged about 56 years, Occupation: Service (PWSI-E), R/o Palvi Block No. 18, Ashwairya Residency, Near Laxmi Bank colony, Solapur.

51. Santosh Kerba Mane, aged about 47 years, Occupation: Service (ASI Radio Mechanic), R/o 701/A, Shivdarshan Society, Behind Murari Petroleum, Wakad Pune.

52. Pankaj Gulabrao Khobragade, aged about 47 years, Occupation: Service (ASI Radio Mechanic), R/o Flat No. 402, Shri Swami Samarth Apts No. 1, Kadambini Vihar, Besa Nagpur.

53. Kailas Nathu Mankumbre, aged about 58 years, Occupation: Retired (PWI-E), R/o 12, Jai Gajanan Society, D.P. Road Shantiban Chowk, Kotharud, Pune.

54. Mahadev Ganpati Nilange, aged about 47 years, Occupation: Service (ASI Radio Machenic),

R/o Building No. 4 Room No. 10, Worli Police Camp, Mumbai.

55. Suryakant Vitthalrao Kadam, aged about 60 years, Occupation: Retired (ASI Radio Mechanic), R/o Bhausahab Kalhate nagar No. 2, Wakadgaon, Near Datta Mandir, Pune.

56. Shivraj Babasaheb Mane, aged about 60 years, Occupation: Retired (PWSI-E), R/o “Shivohum” 1087A, A.P. Govare, Near Laxmi colony, Ganjanan Housing Society, Karad Vita road,

57. Madhav Govindrao Khope, aged about 62 years, Occupation: Retired (PWSI-E), R/o Near Vithal Rukhmini Temple, Nage Lay out, Kaulkhed, Akola.

58. Sanjay Maruti Mathe, aged about 51 years, Occupation: Service (ASI Radio Machenic), R/o 201, Gurudatta Apts., Plot No. 365/A Sanpada (E), New Mumbai, Dist. Thane.

59. Prakash Ratnakant Pise, aged about 57 years, Occupation: Service (PWSI-E), R/o Flat No. 602, Corals Apts., Near Khandoba Talim, Shivaji peth, Kolapur.

60. Narendra Kevalramji Darde, aged about 60 years, Occupation: Retired (ASI Radio Machenic), R/o Butter Cup Apt. Plot No. 307, Flat No. 102 Nagar Vikas Society, Narendra nagar, Nagpur.

61. Pritam Mahadeo Sakhare, aged about 57 years, Occupation: Service (ASI-Radio Mechanic), R/o "Prtalka" Laxminarayan colony, Fulchurtola, Goregaon road, Gondia, Tah & Dist. Gondia.

62. Sanjay Maruti Pujari, aged about 56 years, Occupation: Service (PWSI-E), R/o Shankar Parvati, Survey No. 70, Ganesh nagar, lane No. 2 Near Sonali Photo studio, new Sangvi, Pune.

63. Santosh Sadashiv Deshpande, aged about 50 years, Occupation: Service (ASI-Radio Mechanic), R/o A/903 Windsor, County Dattray nagar, Ambegaon, Pune.

64. Pandurang Ramhari Jadhav, aged about 52 years, Occupation: Service (ASI-Radio Mechanic), R/o A-202, Shivshankar, CHS, Plot No. 69 Sector 23, Juinagar, New Mumbai

65. Ravindra Govind Ambawale, aged about 50 years, Occupation: Service (ASI-Radio Mechanic), R/o B-16, Raigad CHS, Khanda colony Sector 13, New Panvel.

66. Sanjay Vasant Rathivadekar, aged about 49 years, Occupation: Service (ASI-Radio Mechanic), R/o 3/301 Devram Smruti Cholegaon, Thakurli, Thane.

67. Ramesh Tukaram Dhage, aged about 52 years, Occupation: Service (ASI-Radio Mechanic), R/o C/202 Om Laxmi Park, CHS Tukaram nagar, Ayre road Dombivalli east.

68. Ravikant Rangnath Kopnar, aged about 47 years, Occupation: Service (ASI-Radio Mechanic), R/o A3/1, Mrudung Nadbruhma society, Warje Pune.

69. Prakash Ambaji Madgundi, aged about 52 years, Occupation: Service (ASI-Radio Mechanic), R/o Plot No. 1, Phase-II, Ayodhya nagari, Hyderbad road, Solapur.

70. Suryakant Krishnaji Kamble, aged about 57 years, Occupation: Service (PWSI-E), R/o Block No. 14, Shimla nagar Vijapur road, Solapur.

71. Laxmikant Kisanrao Kharade, aged about 56 years, Occupation: Service (PWSI-E), R/o A301, Nath Plaza Sat Rasta Modi Saolapur 413001.

72. Raghuraj Bharatsing Chavan, aged about 56 years, Occupation: Service (PWSI-E), R/o 11B, Sidheshwar nagar, Near Bharti Vidyapith Solapur.

73. Sanjay Eknath Patole, aged about 58 years, Occupation: Retired (PWSI-E), R/o Flat No. 21, Dipali Apts., Opposite Shivparvati Mangal Karlaya, Narahe road, Pune.

74. Ramkant Gunwant Chikane, aged about 51 years, Occupation: Service (PWSI-E), R/o B-703, Grand bay, CHS, Manjiri, Pune.

75. Vijay Madhaorao Mohite, aged about 57 years, Occupation: Service (PWI-E), R/o Plot No.

32, Eros CHS, Near Nital school Gorewada, Nagpur.

76. Amod Yashwant Dhaygude, aged about 54 years, Occupation: Service (ASI-Radio Mechanic), R/o Kumarsmrudhi CHS, E Bulding Flat No. 5, Tingre nagar, Vishrantwadi, Pune.

77. Sanjay Vishnu Chavan, aged about 52 years, Occupation: Service (ASI-Radio Mechanic), R/o Flat No. 203, Karna Building force 1 SRPF Group-VIII, Camp Goregaon, Mumbai.

78. Deelip Yadavrao Jadhav, aged about 57 years, Occupation: Service (PWSI-E), R/o MIG 2C 131, Thakre nagar C Sector CIDCO N2 Chhatrapati Shambhaji Nagar.

79. Nivas Shahaji Kamble, aged about 49 years, Occupation: Service (ASI-Radio Mechanic), R/o 175/2744/8A, Tagor nagar Vikhroli (E), Mumbai.

80. Atul Gajanan Pathak, aged about 58 years, Occupation: Service (PWSI-E), R/o Flat No. 45, Behind Thatte Houd, Begampura, Shambhaji Nagar.

81. Rajaram Dattatray Popalghat, aged about 56 years, Occupation: Service (PWSI-E), R/o Darshana nagari Buld. No. A3, Flat No. 6 Keshav nagar Chinchwadegaon, Pune.

82. Vasant Chaitram Saindane, aged about 57 years, Occupation: Service (PWSI-E), R/o 4 Nina

row house, Saptshrungi nagar old Saykheda road, Nashik.

83. Vilas Shrikant Vedak, aged about 57 years, Occupation: Service (PWSI-E), R/o B/1403 Clarion Building, Vasant Marvel Complex, Borivali (E), Mumbai.

84. Nivas Dattatray Sutar, aged about 54 years, Occupation: Service (ASI-Radio Mechanic), R/o Al/275 Lenyadri Apts., Owners Association Sector 16, Airoli, New Mumbai.

85. Dhananjay Ramrao Deshpande, aged about 56 years, Occupation: Service (PWI-E), R/o Opposite Toloye Eye Hospital Shivaji nagar, Parbhani.

86. Deepak Bapurao Bhosale, aged about 57 years, Occupation: Service (ASI-Radio Mechanic), R/o 46, Kalyan nagar, Hingna road, Nagpur.

APPLICANTS

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/ Director of Police Wireless, Wireless Office, Pashan road, Pune-5.

RESPONDENTS

Shri S.N.Gaikwad, Ld. counsel for the applicants.
Shri A.M.Ghogre, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 2nd August, 2023.

COMMON JUDGMENT

Heard Shri S.N.Gaikwad, learned counsel for the applicants and
Shri A.M.Ghogre, learned P.O. for the Respondents.

2. All applicants have approached to this Tribunal for the following reliefs –

O.A.No.50/2023-

i. be pleased to direct the respondent No. 3 to release the two advance increment on passing of Classification Exam-III and rest of two advance increment on passing of Classification –Examination-I;

ii. further be pleased to direct the respondents to pay arrears thereon and also release all consequential service benefit arise out of grating advance increments

and also revised the pension considering the said benefits;

O.A.No.317/2023-

i. be pleased to direct the respondents to release the two advance increment on passing of Classification Exam-III and rest of two advance increment on passing of Classification –Examination-I as per the Government Resolution dated 03.01.1979;

ii. further be pleased to direct the respondents to pay arrears thereon and also release all consequential service benefit arise out of grating advance increments and also revised the pension considering the said benefits;

Therefore, the case of the applicants in short is as under.

The applicants were initially appointed as Assistant Police Sub-Inspector (Radio Mechanic) in the Wireless Section. They have to pass the Classification Examination as per the Rule 191 of the Bombay Police Manual. The special pay was provided after passing the examination. That special pay was revised as per the Circular dated 03.01.1979. As per this Circular, the employees working as Radio Mechanic who passed Class-IV and Class-III Classification Examination, they are entitled to get more increments and, if, they passed Class-I and Class-II Classification Examination, they are entitled to get more increments. This Circular states

that this position was continued till 04.04.1995. As per Government G.R. dated 03.10.2015, the amount of advance increments directed to be recovered from the applicants. Some of the similarly situated employees approached to the M.A.T., Bench at Aurangabad by filing O.A.No.647/1996. The following order was passed by M.A.T., Bench at Aurangabad in the said O.A.-

“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.”

4. It is submitted by the applicants that they have made representations to the respondent / authority, but not considered the same. As per

Government G.R. dated 28.02.2017, all the applicants are entitled for equal treatments like other similarly situated employees who approached before the M.A.T., Bench at Aurangabad. That order was complied by the respondents by revising the payment by restoring the increments which were recovered from the employees.

5. The O.A. is strongly opposed by the respondents. It is submitted that because of the 5th Pay and 6th Pay Commission, the pay scales of the applicants are revised and therefore they are not entitled to get the increments as per the Circular of 1979. Moreover, the representations of the applicants are pending before the respondents. Hence, the O.A. is liable to be dismissed.

6. The Circular dated 28.02.2017 issued by the Government of Maharashtra in view of the Judgment of the Hon'ble Supreme Court in the ***State of Uttar Pradesh and Others Vs. Arvind Kumar Shrivastav, 2015 (1) SCC,347***. As per this Circular, if the relief is granted by the Court to other similarly situated employees, then that relief is to be granted to the similarly situated employees, who have not approached to the Court or Tribunal. It was directed by the Circular that if the benefit is given to the other similarly situated employees, then said relief shall be given to other similarly situated employees.

7. From the perusal of the order passed by M.A.T. Bench at Aurangabad, it appears that by specific order it is held that recovery order is not legal and proper, therefore, it is quashed and set aside. The respondents were directed to consider the restoration of advance increments as per the practice prevailing before 01.01.1986. Similar to the practice being followed by the Government of India even after 01.01.1986. 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 Electrician. However, since the amount already paid to the Electrician was not due to any mistake on their part, the same need not be recovered. This Judgment is complied by the respondents as per the orders dated 03.10.2015 and 06.12.2016. The salary of those employees were revised and the increments which were withdrawn have been restored by this order. The applicants are claiming relief based on the Judgment of M.A.T., Bench at Aurangabad. Nothing is on record to show that this Judgment is challenged by the respondents before the Hon'ble High Court. Therefore, it is binding on the respondents. Moreover, it appears that the respondents have complied the order by revising the pay and restoring the increments which were withdrawn. Therefore, the applicants are entitled for similar treatment as per the Government G.R. dated 28.02.2017.

8. Learned P.O. Shri A.M.Ghogre has pointed out the representations of the applicants and submitted that respondents be directed to decide the said representations. There is no dispute that representations are pending before the respondents and those are not decided till date. But applicants are entitled for similar relief which was granted by M.A.T., Aurangabad Bench. Hence, the following order.

ORDER

1. The O.As. are partly allowed.
2. The respondents are directed to decide the representations of the applicants within a period of 2 months from the date of receipt of this order.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 02/08/2023

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 .
Judgment signed on : 02/08/2023.
Uploaded on : 02/08/2023.