

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.430/2015

DISTRICT: PARBHANI

Shri Venkat S/o. Dadarao Mundhe,
Age : 55 years, Occ : Service,
R/o: C/o. Police Station Palam,
Tq. Palam, Dist. Parbhani.

..APPLICANT

V/s.

- 1] The State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
 - 2] The Special Inspector General of Police,
Nanded Region, Nanded.
 - 3] The Superintendent of Police,
S. P. Office, Parbhani.
 - 4] The Police Inspector,
Police Station, Palam,
Tq. Palam, Dist. Parbhani.
 - 5] Rajabhau S/o. Kishanrao Katkade,
Age : 53 years, Occ : Service,
As A. S. I.,
R/o. C/o. Police Station Sonpeth,
Tq. Sonpeth, Dist. Parbhani.
 - 6] Sugriv S/o. Maruti Mundhe,
Age : Major, Occ : Service,
As A. S. I.,
R/o. C/o. Sub Divisional Police Officer,
Parbhani Rural, Parbhani. ...RESPONDENTS
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APPEARANCE: Shri K.G.Salunke learned Advocate for
the applicant.

Shri M.S.Mahajan learned Chief
Presenting Officer for the respondent
nos.1 to 4.

None appears for respondent nos.5
and 6.

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
A N D
Hon'ble Shri B. P. Patil, Member (J)

DATE : 01-08-2017

ORAL ORDER

[PER: VICE CHAIRMAN (A)]

The Applicant in this O.A. is claiming that he was eligible to be promoted as Police Naik in the year 2000 when respondent nos.5 and 6 were promoted, as applicant as well as the respondent nos.5 and 6 were appointed by the same order dated 25-08-1983 as Police Constable. Applicant was given time bound promotion after 12 years of service w.e.f. 1995. However, though persons recruited along with him were promoted as Police

Naik in the year 2000, he was not promoted to this post and only in 2003, he was promoted.

2. Learned CPO stated that the Applicant could not be considered because his service record was not good and criminal cases were pending against him.

3. Copies of 2 judgments in Regular Criminal Case No.249/2011 before the learned 8th Judicial Magistrate First Class, Parbhani dated 26-03-2013 and Criminal Case No.118/2012 before learned 2nd Judicial Magistrate First Class, Gangakhed dated 21-10-2016 have been placed on record by the learned Advocate for the Applicant Shri K.G.Salunke. In both the cases, Applicant has been acquitted and it is seen that the cases were filed in the year 2011 and 2012, respectively. Learned Advocate Shri Salunke stated that cases were filed much after the year 2000 when the applicant should have been considered for promotion. Any remarks in his Annual Confidential Reports (or whatever nomenclature is used for Constabulary in Maharashtra for such reports) after year 2000 were not relevant for deciding his claim for promotion to the post of Police Naik in the year 2000.

4. We find that in paragraph 4(C) of the O.A. the applicant has made a specific plea that he should have been considered for promotion to the post of Police Naik along with respondent nos.5 and 6 in the year 2000 when they were so promoted to the post of Police Naik. This paragraph is dealt with in paragraph 7 of the affidavit in reply filed on behalf of the respondents on 08-10-2015. There is no averment by the respondents to specific plea taken by the applicant that he should have been considered for promotion to the post of Police Naik in the year 2000. The respondents are talking about reasons as to why the applicant was not considered for promotion to the post of Head Constable in the year 2003. That issue will arise only after the issue of promotion of the applicant to the post of Police Naik in 2000, is decided.

5. On the basis of material on record, we are not satisfied that the respondents had considered the case of the applicant for promotion to the post of Police Naik in the year 2000 when the respondent no.5 and 6 were considered. Whether there were any valid reasons for overlooking the case of the Applicant for promotion in the

year 2000 has not been explained at all by the respondents.

6. The respondents are therefore directed to hold a review DPC meeting and consider the case of the applicant for promotion to the post of Police Naik from the same date on which the respondent nos.5 and 6 were given such promotion. This should be done within a period of 4 weeks from the date of this order and the applicant should be informed about the outcome of the review DPC meeting within a period of one week thereafter. O.A. is disposed of accordingly with no order as to costs.

(B. P. Patil)
Member (J)

(Rajiv Agarwal)
Vice-Chairman (A)

PLACE : AURANGABAD
DATE : 01-08-2017