

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 923/2023 (D.B.)**

- 1] Nilesh Eknath Gaikwad  
Aged about 33 yrs., Occu. Service,
- 2] Appasaheb Rameshrao Rokde,  
aged about 37 years, Occ. Service,
- 3] Shamrao Baba Gorad,  
Aged about 37 years, Occ. Service,
- 4] Yunus Chandso Inamdar,  
aged about 34 years, Occ. Service
- 5] Macchindranath Eknath Patil,  
aged about 34 years, Occ. Service,
- 6] Shivaji Sitaram Shinde,  
aged about 33 years, Occ. Service,
- 7] Vinayak Subhash Masale,  
aged about 28 years, Occ. Service,  
All R/o. Gadchiroli, District Gadchiroli

**Applicants.****Versus**

1. The State of Maharashtra, through its  
Secretary, Department of Home,  
Mantralaya, Mumbai-32.
2. The Director General of Police,  
Maharashtra, Mumbai

3. The Additional Director General of Police, (Operation), office at C/o. Director of General of Police, Maharashtra State, Mumbai;
4. The Deputy Inspector General (Naxal), Gadchiroli Range, Camp at Nagpur.
5. The Superintendent of Police, Gadchiroli, District Gadchiroli.

**Respondents**

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**Shri G.G. Bade, Id. Advocate for the applicants.**

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

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**Coram :- Hon'ble Shri Justice Vinay Joshi, Member (J) & Hon'ble Shri Nitin Gadre, Member (A).**

**Dated :- 31.01.2025**

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**JUDGMENT**

Heard Shri G.G. Bade, Id. counsel for applicants and Shri S.A.Sainis, Id. P.O. for the respondents.

2. The applicant Nos. 1 to 7 were appointed on the post of Police Constable and were performing their duties in Naxalite Area. The Government of Maharashtra has flouted a promotional scheme to encourage police employees to participate in Naxalite affected areas. The said scheme has been introduced in the year 2014, vide G.R. dated 20.05.2014. In terms of G.R., the police employees who have

done meritorious work as specified in clause 10 of the G.R., would be treated to be eligible for promotion under the scheme. The State Government has set out mechanism for assessing the work of the police employees by forming an expert committee of four members in terms of Clause 18.2.A of the Government Resolution.

3. Under said special promotional scheme, separate proposals have been forwarded to the Committee for its evaluation. Total 17 police personals have been recommended to the Committee for considering their candidature for grant of accelerated promotion under the said Scheme. On receipt of proposals, the Expert Committee in its meeting dated 01.06.2023 took a decision that applicants (7) are in- eligible for grant of promotion under scheme.

4. It is applicants contention that they did more meritorious work than the 10 other police personnel whose names have been recommended by the Committee. However, they have been erroneously denied from grant of benefit. It is submitted that the Committee gave discriminatory treatment to the applicants by rejecting their candidature for promotional post, despite they fulfil the criteria as set out in G.R. dated 20.05.2014. The learned counsel for the applicants has gone through the record which was made available to

us and submitted a tabular Chart indicating that under different criteria, the applicants did more meritorious work.

5. Basically it is for the Expert Committee to decide each individuals case about meritorious work which he did in Naxalite affected Area. On the basis of subjective examination of each case, the Committee has to take decision. The G.R. dated 20.05.2014 has not specified particular criteria than besides stating in generalized manner in clause 10 *inter alia* with other conditions. We have gone through the minutes of the meeting held on 01.06.2023 of the Committee to verify whether the Committee has made rational assessment. We are well aware that we cannot assume the role of committee to take decision, but *prima facie* it has to be demonstrated before us that there is no discrimination in the candidates who have been recommended and the candidates whose recommendation has been rejected. We are unable to draw any conclusion on the basis of cryptic minutes of meeting which does not specify the reasons on the basis of which the decision has been drawn. Merely the committee has expressed that the applicants are held to be ineligible. On the other hand initial recommendation of the applicants would show that they equally did the work in those fields in which they have worked. Assignment of reasons is a heart of decision making process which

has to be clear so as to satisfy the authorities that all persons have been fairly and equally treated. To our mind, the committee has not properly assessed the case of applicants on the parameter set out in G.R. dated 20.05.2014.

In view of the above we proceed to pass the following order:-

### **ORDER**

- i) We direct the concerned Committee to re-assess case of each applicant by revisiting their meritorious work as claimed.
- ii) The committee may also take into account the work of the candidates who have been recommended so as to maintain parity in decision making process.
- iii) The Committee shall assign the reasons for grant or rejection of recommendation of applicants while taking decision.
- iv) We direct the committee to complete the said exercise **within a period of 3 months** from the date of uploading of this order.

- v) Since the parameters set out in G.R. dated 20.05.2014 are vague, we direct that the Government shall reconsider the criteria and clarify the parameters so as the parity could be maintained in future.

**Member (A)**

**Member (J)**

**Dated :- 31/01/2025**

kds

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

Name of Steno : Krushna Dilip Singadkar.

Court Name : Court of Hon'ble Member (J) & Member (A).

Judgment signed on : 31/01/2025

Uploaded on : 31/01/2025