

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No.1337 of 2023 (S.B.)

1. Harisingh S/o Umedsingh Rawat,
Aged 74 years, Occ.- pensioner,
R/o.37, Radke-Lay-Out, Hingna Road,
MIDC Nagpur. 440016.
2. Parasnath S/o Sulaxan Yadav,
Aged 73 years, Occ.- pensioner,
R/o-70, Gyandeep Nagar, Behind SRPF Camp,
Hingna Road, Nagpur. 440016.
3. Vijaykumar S/o Gajaprasad Dube,
Aged 73 years, Occ.- pensioner,
R/o. Ward No.2, Wagdhara,
S.R.P.F. Nagpur.
4. Samadhan laxman Hinge,
Aged 74 years, Occ.- pensioner,
R/o.-Quarter No. 12/1. SRPF
Group No.4, Hingna, Nagpur 440016.
5. Lallan S/o Shivmurty Pndey,
Aged 73 years, Occ.- pensioner,
R/o.48, Shirke-Lay-Out,
Vaishali Nagar, Hingna road, Nagpur. 440016.
6. Ramkishor S/o Surajprasad Mishra,
Aged 65 years, Occ.- pensioner,
R/o.-11, Vaishali Nagar, Hingna road,
MIDC Nagpur. 440016.
7. Siddharth Maroti Kamble,
Aged 63 years, Occ.- pensioner,
R/o.-3074, Vaishali Nagar, Hingna road,
Nagpur. 440016.

8. Harish S/o Udaram Kodape,
Aged 61 years, Occ.- pensioner,
R/o.- Quarter No. 12/1. SRPF
Group No.4, Hingna, Nagpur 440016.
9. Haridas S/o Lalaji Tijare,
Aged 64 years, Occ.- pensioner,
R/o.- Plot No.7, Saptaknagar,
Hingna Road, Nagpur 440016.
10. Keshao Kisan More,
Aged 65years, Occ.- pensioner,
R/o.- Quarter No. 16/4. SRPF
Group No.4, Hingna, Nagpur 440016.
11. Diwakar S/o Shivjanam Tiwari,
Aged 64 years, Occ.- pensioner,
R/o.- Quarter No. 45/3. SRPF
Group No.4, Hingna, Nagpur 440016.
12. Umeshsingh S/ o Surendra singh Thakur,
Aged 62 years, Occ.-pensioner,
R/o.- Hingna Road, Nagpur 440016.
13. Bharatsingh S/o Shivrath singh Thakur,
Aged 62 years, Occ.-pensioner,
R/o.-Pandurang Nagar, VTC, Nagpur 440016.
14. Bhuvaneshwar S/o Shivkumar Pande,
Aged 64 years, Occ.- Pensioner,
R/o.- Plot No. 111, Walkar- Lay- Out,
DnyandeepNagar, Hingna Road,
Nagpur 440016.
15. Pandhari S/o Maroti Pendam,
Aged 64 years, Occ.- Pensioner,
R/o.- Plot No. 22, Babade- Lay-Out,
Wanadongri, Nagpur 441110.

16. Ramshankar S/o Ramsevak Pathak,
Aged 64 years, Occ.- Pensioner,
R/o.- House No. 80, Balaji Nagar,
Hingna Road, Nagpur 440016.
17. Sitaram S/o Ramlakshan Singh,
Aged 63 years, Occ.- Pensioner,
R/o.- Radkey- Lay- Out, Hingna,
Nagpur 440016.
18. Sudhakar S/o Tulsiram Atalkar,
Aged 65 years, Occ.- Pensioner,
R/o.- Plot No. 20, AnandVihar,
Hingna Road, Nagpur 440016.
19. Vishwakarma Ganesh Sharma,
Aged 64 years, Occ.- Pensioner,
R/o.- Plot No. 30, Shirke- Lay- Out,
Vaishali Nagar, Hingna Road,
Nagpur 440016.
20. Bhagwan S/o Fayadin Kanojiya,
Aged 62 years, Occ.- Pensioner,
R/o.- Quarter No. h/18, SRPF Group No.4,
Hingna Road, Nagpur 440016.
21. Tarachand Motiram Bante,
Aged 66 years, Occ.- Pensioner,
R/o.-Police Nagar, Near Lata Mangeshkar
Hospital, Hingna Road, Nagpur 440016.
22. Ashok Balchandra Rangari,
Aged 66 years, Occ.- Pensioner,
R/o.- Quarter No. 38/1, SRPF Group No.4,
Hingna Road, Nagpur 440016.
23. Ramesh S/o Bapurao Wani,
Aged 63 years, Occ.- Pensioner,
R/o.- Radkey-Lay-Out, Near Durga Mandir,
Hingna Road, Nagpur 440016.

24. Ashok S/o Haribhau Satpude,
Aged 69 years, Occ.- Pensioner,
R/o.- Amarprit Coloney, Dabki Road, Akola.
25. Mohansingh S/o Dhansingh Kanyal,
Aged 62 years, Occ.- Pensioner,
R/o.- Quarter No. 92/2, SRPF Group No.4,
Hingna Road, Nagpur 440016.
26. Suresh S/o Kisanrao Kumbhalkar,
Aged 59 years, Occ.- Pensioner,
R/o.- Plot No.-756, Pardhi Nagar,
Hingna Road, Nagpur 440016.
27. Mukhalal S/o Dukhdwan Yadav,
Aged 65 years, Occ.- Pensioner,
R/o.- Quarter No. 52/2, SRPF Group No.4,
Hingna Road, Nagpur 440016
28. Nivrutti S/o Govindrao Rane,
Aged 60 years, Occ.- Pensioner,
R/o.- Plot No.124, Rajgruha Nagar,
Hingna Road, Nagpur 440016.
29. Gajanan S/o Nagorao Bhoyar,
Aged 64 years, Occ.- Pensioner,
R/o.- Plot No.224, Lokmanya Nagar,
Hingna Road, Nagpur 440016.
30. Indershaha S/o Raoji Sidam,
Aged 62years, Occ.- Pensioner,
R/o.- Quarter No. 33, SRPF Group No.4,
Hingna Road, Nagpur 440016.
31. Deorao Natthuji Kathade,
Aged 66 years, Occ.- Pensioner,
R/o.- Quarter No. 100/3, SRPF Group No.4,
Hingna Road, Nagpur 440016.

32. Damodarprasad Fateshankar Singh,
Aged 64 years, Occ.- Pensioner,
R/o.-Plot No.-774, Pardhinagar,
Hingna Road, Nagpur 440016.
33. Vijaibahadur Shivkumar Yadav,
Aged 64 years, Occ.- Pensioner,
R/o.- Quarter No. 64/3, SRPF Group No.4,
Hingna Road, Nagpur 440016.
34. Kaushaldhar Trivenidhar Dube,
Aged 64 years, Occ.- Pensioner,
R/o.-Plot no.09, Saptak Nagar,
Hingna Road, Nagpur 440016.
35. Devaji S/o Himmatrao Zade,
Aged 65 years, Occ.- Pensioner,
R/o.- Quarter No.33/1, SRPF Group No.4,
Hingna Road, Nagpur 440016.
36. Rajnath R. Tiwari,
Aged 64 years, Occ.- Pensioner,
R/o.- Plot No.-51 & 52, Vaishali Nagar,
Hingna Road, Nagpur 440016.
37. Mohomad Hanif Sheikh Munshi,
Aged 66 years, Occ.- Pensioner,
R/o.- Vaishali Nagar, Hingna Road,
Nagpur 440016.
38. Devidas K. Adekar,
Aged 65 years, Occ.- Pensioner,
R/o.- Vaishali Nagar,
Hingna Road, Nagpur 440016.
39. Keshkumar S/o Manjit Singh Rajput,
Aged 66 years, Occ.- Pensioner,
R/o.- VaishaliNagar, Hingna Road, Nagpur 440016.

40. Omraj Mahadeo Parate,
Aged 65 years, Occ.- Pensioner,
R/o.- Rastraseva Vidalaya,
Kumbharpura, Nagpur 440016.
41. Iswar Rajaram Patarkade,
Aged 63 years, Occ.- Pensioner,
R/o.- Balaji Nagar, Hingna Road,
Nagpur 440016.
42. Krushnrao S/o Budhaji Ghodmare,
Aged 64 years, Occ.- Pensioner,
R/o.- Saptak Nagar, Hingna Road,
Nagpur 440016.
43. Vinayak Namdeorao Gorle,
Aged 66 years, Occ.- Pensioner,
R/o.- Vaishali Nagar, Hingna Road,
Nagpur 440016.

....**Applicants**

Versus

- 1) State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
- 2) Director, General of Police,
Maharashtra State, Old Council Hall,
Maharashtra State Police Head Quarter,
S.B.Marg, Colaba, Mumbai-400039.
- 3) Deputy Inspector General of Police,
State Reserve Police Force,
Hingna Road, Nagpur-440016.
- 4) Commandant,
State Reserve Police Force,
Group-IV, Hingna Road, MIDC, Nagpur-440016.

- 5) Commandant,
State Reserve Police Force,
Group-13, Wadsa [Desaiganj],
Dist-Gadchiroli-441207.
- 6) Director of Accounts and Treasuries,
Directorate of Accounts and Treasuries,
Thakrasy House, 3rd Floor,
ShurjiVallabhdas Marg, Ballard Estate,
Mumbai 400001.
- 7) Joint Director of Accounts and Treasuries,
Pay Verification Team,
'Lekha Kosh Bhavan' Collector office premises,
Civil Lines, Nagpur 440001.
- 8) Commissioner of Police,
Police Commissionerate,
Civil Lines, Nagpur. 440001.

...**Respondents**

Shri S.U. Bhuyar, Advocate for the applicants.

Shri A.M. Khadatkhar, learned P.O. for respondents.

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

Dated :- 01/04/2025.

JUDGMENT

Heard Shri S.U. Bhuyar, learned counsel for applicants
and Shri A.M. Khadatkhar, learned P.O. for respondents.

2. The case of the applicants in short is as under -

The applicants were appointed on the posts of Police Constable. Thereafter, they were promoted to the posts of Police Head Constable. The applicant nos.1 to 36 worked under the control of respondent nos.3 to 5 and applicant nos.37 to 43 worked under the control of respondent no.8. All applicants are retired from service after attaining the age of superannuation. Respondent no.1 issued letter dated 17/03/2022 to respondent no.6 in respect of pay fixation of Police Head Constable as per rule 11 (1) (a) of the Maharashtra Civil Services (Pay) Rules, 1981, wherein, it is mentioned that the duties of the post of Head Constable and Police Constable are different. After promotion, they are entitled to get increment / pay fixation. The respondents have not paid increment / pay fixation as per rule 11 (1) (a) of the Maharashtra Civil Services (Pay) Rules, 1981. Therefore, the applicants approached to this Tribunal for the following reliefs –

“ (VIII) (A) This Original Application may kindly be allowed.

B) Direct the Respondent No. 3 to 5 to forward the service book. Applicant No. 1 to 36 and also direct Respondent No.8 to forwards the Service Book of applicants No.37 to 43 to the Respondent No.7 for pay fixation within stipulated period;

C) Direct the Respondent No.7 for Pay fixation from date of promotion of applicants to the post of Head Police Constable [Hawaldar] as per 5th pay Commission, within stipulated period;

D) Pending hearing and final decision of this original application, Direct the Respondent No. 3 to 5 to forward the service book Applicant No. 1 to 36 and also Respondent No.8 to forwards the Service Book of applicants

No.37 to 43 to the Respondent No.7 for pay fixation within stipulated period;

(VIII) (i) Pending hearing and final decision of this original application, Direct the Respondent No. 3 to 5 to forward the service book Applicant No. 1 to 36 and also Respondent No.8 to forwards the Service Book of applicants No.37 to 43 to the Respondent No.7 for pay fixation within stipulated period & further direct the Respondent No.7 for Pay fixation from date of promotion of applicants to the post of Head Police Constable [Hawaldar] as per 5th pay Commission, within stipulated period;

3. The O.A. is strongly opposed by the respondents. It is submitted that proposal is submitted to the Government and pending. Hence, O.A. is liable to be dismissed.

4. During the course of submission, learned counsel for applicants has pointed out letter filed by the respondents (R-1). In the letter dated 17/03/2022 the Government of Maharashtra directed the concerned officers to pay increment / pay fixation as per rule 11 (1) (a) of the Maharashtra Civil Services (Pay) Rules, 1981. The learned counsel for applicants has submitted that all applicants are entitled for increment / pay fixation as per rule 11 (1) (a) of the Maharashtra Civil Services (Pay) Rules, 1981 after their promotion on the post of Head Constable from Police Constable. Therefore, prayed to allow the O.A.

5. The learned P.O. has submitted that the proposal is pending before the Government and direction be given to the respondents / Government.

6. It appears from the letter dated 17/03/2022 that the respondents have taken decision to pay increment / pay fixation as per rule 11 (1) (a) of the Maharashtra Civil Services (Pay) Rules, 1981. Para-3 of the letter is reproduced below –

“३. उपरोक्त नमूद तुलनात्मक निवेदनावरून पोलीस नाईक पदावरून पोलीस हवालदार या पदावर पदोन्नती होताना त्यांच्या कर्तव्य व जबाबदा-यांमध्ये वाढ होत असून महाराष्ट्र नागरी सेवा (वेतन) नियम, १९८१ मधील नियम ११ (१) (ए) प्रमाणे केलेली वेतननिश्चिती योग्य आहे. त्यामुळे पोलीस नाईक पदावरून पोलीस हवालदार पदी पदोन्नती मिळाल्यानंतर त्यांची महाराष्ट्र नागरी सेवा (वेतन) नियम, १९८१ मधील नियम ११ (१) (ए) प्रमाणे केलेली वेतननिश्चिती प्रमाणित करून देण्याबाबत आपल्या स्तरावरून सर्व संबंधितांना सूचना देण्यात याव्यात ही विनंती.”

7. In view of the above cited letter, applicants are entitled for same relief . Hence, the following order -

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to grant increment / pay fixation to the applicants as per rule 11 (1) (a) of the Maharashtra Civil Services (Pay) Rules, 1981 after promotion from the post of Police Constable to the post of Head Constable.

(iii) The respondents are directed to pay the consequential benefits by re-fixing the pension of the applicants.

(iv) No order as to costs.

Dated :- 01/04/2025.

(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 : 01/04/2025.