

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 232/2023 (D.B.)

1. Bhaskar S/o Namdeorao Gulhane,
Aged about 62 years, Occupation: Retired,
(Assistant Police Sub-Inspector),
R/o Ganesh Nagar, Borgaon (Meghe),
Wardha-442001.
2. Suresh S/o Shankarrao Thakre,
Aged about 62 years, Occupation: Retired,
(Assistant Police Sub-Inspector),
R/o Ganesh Nagar, Borgaon (Meghe),
Wardha-442001.
3. Prakash Somahi Bhoyar,
Aged about 62 years, Occupation: Retired,
(Assistant Police Sub-Inspector),
R/o Vaishali Nagar, Sevagram Road Mhasala,
Wardha-442001.
4. Ramkrushna S/o Rajaram Khode,
Aged about 61 years, Occupation: Retired,
(Assistant Police Sub-Inspector),
R/o 161- Surendra Nagar, Nagpur-15.
5. Bhaiyyaji S/o Mandeorao Dehankar,
Aged about 59 years, Occupation: Retired,
(Assistant Police Sub-Inspector),
R/o 89- Khankhoje, Manewada, Nagpur.
6. Madhukar S/o Manik Wankhade,
Aged about 62 years, Occupation: Retired,
(Assistant Police Sub-Inspector),
R/o 27-Sawardyna Society,
Sudrashan Nagar, Hudkeshwar Road, Nagpur.

Versus

Applicants.

1. The State of Maharashtra,
Through it's Additional Chief Secretary,
Home Department,
Mantralaya, Mumbai-32.
2. The Director General of Police (M.S.),
Old Council Hall, S.B. Marg,
Mumbai- 400039.

Respondents

Shri S.N.Gaikwad, Id. Advocate for the applicants.

Shri A.M.Khadatkar, Id. P.O. for the respondents.

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

Dated :- 08.04.2025.

ORAL JUDGMENT

[Per :- Justice Vinay Joshi, Member (J)]

Heard finally with the consent of both learned counsel.

2. Applicants have joined on the post of Police Constable somewhere in the year 1987. In course of time, they have been promoted to the post of Police Naik, Head Constable and Assistant Sub Inspector. All the applicants have passed qualifying departmental examination in the year 2013 and thus eligible for promotion to the post of Police Sub Inspector. By the time, all the applicants have been retired by way of superannuation. It is applicants' contention that some of their juniors

have been promoted in the year 2017, thus they are entitled for deemed date of promotion and consequential benefits.

3. Ld. counsel for the applicants has demonstrated that some of the juniors have been promoted. It is not in dispute that some of the juniors have been promoted by taking benefit of the then policy of granting promotion to reserve candidates. However, the applicants would submit that there are some other junior candidates from Open Category who have been promoted in the year 2017. Ld. counsel for the applicants took us through promotional list dated 20.09.2017 and submitted that candidate at Sr. No. 245; Mr. Deepak Harishchandra Babhal, Sr. No. 268; Mr. Valmik Kishan Sadagire and candidate at Sr. No. 284; Mr. Dashrath Parashuram Manachekar who belongs to Open Category, were promoted in the year 2017. The ld. counsel for the applicants would submit that, they are junior to the applicants, therefore, equal treatment is sought by grant of deemed date.

4. The State has filed reply in resistance. It is not the defence that these candidates were promoted due to caste benefit. Though on exemplary basis name of three candidates have been shown during the course of argument, however, ld. P.O. has not disputed the said position. In order to satisfy that these candidates are junior to the applicants; provisional seniority list published on 25.07.2023 has been tendered on

record. It appears that the said seniority list contains the names of employees who have passed the departmental qualifying examination in the year 2013. The list was prepared as per the appointment, which clarify that irrespective of caste, it was prepared as per joining date. Ld. counsel for the applicant took us through the name of applicants as well as above referred three candidates as per seniority in the list. For the sake of convenience, it is extracted hereinbelow:-

Applicant no. 1 at Sr. No. 2841

Applicant no. 2 at Sr. No. 2843

Applicant no. 3 at Sr. No. 2848

Applicant no. 4 at Sr. No. 3385

Applicant no. 5 at Sr. No. 3178

Applicant no. 6 at Sr. No. 3377

5. Promoted candidates Shri Deepak Harishchandra Babhal is at Sr. No. 3596, promoted candidate Shri Valmik Kishan Sadagire is at Sr. No. 3879 and Shri Dashrath Parashuram Manachekar is at Sr. No. 4275. The above exercise makes it explicit clear that these candidates were junior to the applicants, however, they have been promoted in 2017. It is

well settled that when the juniors were promoted earlier, barring exception, the applicants are also entitled for the same treatment .

6. In view of above, there is no difficulty in granting the deemed date of promotion as claimed. Hence, **Original Application is allowed.** We direct the respondent no. 2 to grant deemed date of promotion to the applicants from the date of their juniors were promoted i.e. from 20.09.2017. Applicants are entitled for consequential benefits including pensionary benefits for grant of deemed date. The respondents are at liberty to approach the Tribunal, if the variation occurs in the final list. The respondents are directed to comply the order within six months from the date of this order. No order as to costs.

(Nitin Gadre)
Member(A)

aps

Dated – 08/04/2025

(Justice Vinay Joshi)
Member (J)

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

Name of Steno : Akhilesh Parasnath Srivastava.

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

Judgment signed : 08/04/2025.

on and pronounced on