

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.1274 OF 2022

**DISTRICT: Pay Fixation/Recovery
Subject: Solapur**

Mr.Bajrang Shamrao Kapse)
Retired Assistant Police Inspector Bungalow)
No.-1003 Ajinkya Nagar, Near Civil)
Colony, Khindvadi Satara, Satara-415002)
Dist Satara.)....**Applicant**

V/s

1. The State of Maharashtra Through)
Principal Secretary Department of Home,)
Mantralaya, Mumbai 400032.)

2. Director General of Police (DGP of Police))
Police Headquarters, Old Council Hall,)
Shaeed Bhagat Singh Marg, Mumbai -400001)

3. The Inspector General of Police Main)
Road, Kolhapur City, Kolhapur 416012.)

4. Superintendent of Police (Rural) Opp)
St Joseph High School, Pashan Rd,)
Chavan Nagar, Pashan, Pune,)
Maharashtra 411008)

5. Superintendent of Police (Rural) SP office,)
Collector compound, SP office)
Collectorate, Solapur Solapur PIN Code:)
413003.)....**Respondents**

Shri A. S. Dhannawat, learned Advocate for the Applicant.

Smt. Archana B. K., learned Presenting Officer for the Respondents.

CORAM : Hon'ble Shri M. A. Lovekar, Vice-Chairman

Reserved on : 03.04.2025

Pronounced on : 15.04.2025

J U D G M E N T

1. Heard Shri A. S. Dhannawat, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. Case of the Applicant is as follows. After joining the Police Department, during the years 2009-2010 and 2011 the Applicant was part of teams which nabbed criminals indulging in interstate theft and sale of Four Wheelers. The team seized more than 60 Four Wheelers worth more than 3 Crore. While executing these duties, the Applicant visited Bihar, Karnataka, UP, MP etc. and he had to stay there for a long time. These expenses were borne by him. The same are liable to be refunded with prize money and with reward. The Applicant submitted bills and made representations but to no avail. He was awarded Police Medal by the Hon'ble President of India on 15.08.2017. His ACRs were outstanding. His service record was exemplary. He retired on superannuation on 31.05.2020. As per office order dated 27.06.2003 pay of the Applicant w.e.f. 01.06.2003 should have been fixed in the scale of 5500-175-9000. This was also not done. Hence, this Original Application for redressal of above referred two grievances.

3. It may be mentioned at the outset that by order dated 03.08.2023 this Tribunal allowed M.A. No.2/2023 and condoned the delay in approaching this Tribunal.

4. Stand of Respondent No.3 is that for want of specific details relief of reimbursement of expenses said to have been incurred by the Applicant cannot be granted. According to Respondent No.4,

bills were submitted by the Applicant belatedly and the same were incomplete.

5. So far as the question of submission of bills is concerned, letter dated 28.07.2022 written by Respondent No.5 to Respondent No.4 states –

“परंतु सपोनि/बी.एस. कापसे यानी या कार्यालयाकडून संदर्भ क्र.३ च्या पत्रान्वये दिलेल्या प्रस्तावावर कोणतीही कार्यवाही पोलीस अधिक्षक पुणे ग्रामीण केली नसल्याने त्यानी मा.अपर मुख्य सचिव गृह विभाग म.रा.मुंबई याचेकडे तपास कामी केलेल्या खर्च व इतर रक्कमा न मिळाल्याने विनंती अर्ज सादर केला आहे. त्याचे विनंती अर्जावर शासनाच्या प्रचलित नियम/कायदे/शासन निर्णयास /धोरणास अनुसरून नियमानुसार पुढील योग्य ती उचित कार्यवाही आपल्या स्तरावर करून अर्जदाराने नमूद केलेले म्हणणे विचारात घेवून अर्जदारास परस्पर कळविणेबाबत मा. पोलीस महासंचालक म.रा.मुंबई याना संदर्भ क्र.१ च्या पत्रान्वये कळविले आहे. मा. पोलीस महासंचालक म.रा.मुंबई यानी सपोनि/बी.एस.कापसे यानी शासनास उद्देशून लिहिलेल्या प्रवास भत्ता व इतर रक्कमा मिळणेबाबतचा यांचा विनंती अर्ज पुढील आवश्यक त्या कार्यवाहीसाठी संदर्भ क्र.२ च्या पत्रान्वये या कार्यालयास पाठविला असून सपोनि/बी.एस. कापसे याचा विनंती अर्ज, संदर्भ क्र.१ व व २ चे आदेश या पत्रासोबत जोडून पुढील कार्यवाहीस्तव सादर करण्यात येत आहेत.”

At ‘Exhibit R1’, there is detailed representation made by the Applicant to Respondent No.2. Thus, there is material to show that claim of the Applicant for reimbursement of expenses already incurred by him is well founded. A case is made out to issue necessary directions to the Respondents to settle the said claim of the Applicant within the stipulated time.

6. So far as the other grievance of the Applicant regarding pay fixation is concerned, stand of Respondent No.5 is as follows. Temporary promotion was given to the Applicant from the post of 'PHC' to the post of 'PSI'. A specific mention to that effect was made in the orders issued in respect of such ad-hoc and temporary promotion. Ultimately, pay of the Applicant was fixed on the promotional post on 30.01.2010 when he was given a regular promotion.

7. In view of discussion made so far, the Original Application is allowed in the following terms. The Respondents are directed to settle the claim of the Applicant for reimbursement of expenses incurred by him on the basis of record available with them. The Applicant shall furnish to the Respondents papers, if any, in his custody so as to enable them to settle the claim. Compliance regarding settlement of claim for reimbursement shall be made within four months from today. The Applicant shall be at liberty to make a representation to the concerned Respondent for pay fixation. Such representation, if made, shall be decided within three months from the date of its receipt, and on its own merits, and the decision communicated to the Applicant forthwith. No order as to costs.

Sd/-
(M. A. Lovekar)
Vice-Chairman