

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.1144/2024 (S.B.)

- 1) **Rajesh s/o Ramraj Pande,**
A/a 64 yrs., Occ.- Pensioner,
R/a Sahyog Colony, Ganesh Nagar,
Gondia, Dist.- Gondia.
- 2) **Jivan s/o Vishwanath Nandanwar,**
A/a 62 yrs., Occ.- Pensioner,
R/a Ganeshpur, Bhandara,
Dist.- Bhandara.
- 3) **Suresh s/o Babulal Wanjari,**
A/a 63 yrs., Occ.- Pensioner,
R/a Chandrashekhar Ward, Murri Chowk,
Sri-Nagar Gondia, Dist.- Gondia.
- 4) **Pradeep s/o Maroti Ganvir,**
A/a 59 yrs., Occ.- Pensioner,
R/a Fulchur, Ambatoli, Ward No. 2,
Patanga Chowk, Gondia,
Dist.- Gondia.
- 5) **Sudha w/o Pradeep Ganvir,**
A/a 65 yrs., Occ.- Pensioner,
R/a Fulchur, Ambatoli, Ward No. 2,
Patanga Chowk, Gondia, Dist.- Gondia.
- 6) **Shriram s/o Rajnarayan Mishra,**
A/a 64 yrs., Occ.- Pensioner,
R/a Janta Colony, Near Ananya Hospital,
Gondia, Dist.- Gondia.

- 7) **Brijbhansingh s/o Tribhuwansingh Thakur,**
A/a 64 yrs., Occ.- Pensioner,
R/a Ambatoli, Fulchur, Gondia,
Dist.- Gondia.
- 8) **Siyanandlala s/o Kothulal Nagpure,**
A/a 62 yrs., Occ.- Pensioner,
R/a Gajanan Colony, Kudwa,
Ward No. 6, Gondia, Dist.- Gondia .
- 9) **Shankar s/o Dewram Gaidhane,**
A/a 60 yrs. Occ.- Pensioner,
R/a Datt Nagar, Near Datt Mandir,
Ward No.12, Lakhni, Dist.- Bhandara.
- 10) **Udayshankar s/o Rajendraprasad Shukla,**
A/a 59 yrs., Occ.- Pensioner,
R/a Govindpur Ward, Near Datt Mandir,
Gondia, Dist.- Gondia.
- 11) **Kishor s/o Daduji Khadse,**
A/a 66 yrs., Occ.- Pensioner,
R/a New Yerkheda, Plot No. 16,
Kalmana Road, Kamptee, Nagpur.
- 12) **Dilip s/o Bhawaniprasad Mishra,**
A/a 62 yrs., Occ.- Pensioner,
R/a Bajpayee Chowk, Murri Road,
Gondia, Dist.- Gondia.
- 13) **Waman s/o Maroti Thatkar,**
A/a 60 yrs., Occ.- Pensioner,
A/a Sale Tax Colony, Fulchur Tola,
Gondia.

- 14) Usenchandra s/o Tarachand Kshirsagar,**
A/a 62 yrs., Occ.-Pensioner,
R/a Behind Rani Sati Temple,
Dr. Juneja Layout, Ganesh Nagar,
Gondia, Dist.- Gondia.
- 15) Diwakar s/o Laxman Bhadade,**
A/a 64 yrs., Occ.- Pensioner,
R/a Shanti Colony, Vidhya Nagar, T.B. Toli,
Gondia, Dist.- Gondia.
- 16) Horilal s/o Munshi Ranhangdale,**
A/a 59 yrs., Occ.- Pensioner,
R/a Halbi Tola Road, Thana Chowk,
Goregaon, Tah.- Goregaon, Dist.- Gondia.
- 17) Dyaneshwar s/o Maroti Kumbhare,**
A/a 59 yrs., Occ.- Pensioner,
R/a Shiv Nagar Colony,
Near Police Head Quarter,
Goregaon Road, Karanja,
Gondia, Dist- Gondia.
- 18) Hariprasad s/o Rajaram Tiwari,**
A/a 60 yrs., Occ.- Pensioner ,
R/a Suryatola Road, Behind Shakti Mandir,
Jawahar Colony, Gondia, Dist.- Gondia.
- 19) Manohar s/o Tulshiram Chandewar,**
A/a 60 yrs., Occ.- Pensioner,
R/a Ambatoli, Shiv Nagar,
Near Shiv Mandir, Fulchur,
Gondia, Dist.- Gondia.
- 20) Ashok s/o Baliram Brahmankar,**
A/a 67 yrs., Occ.- Pensioner,
R/a Salekasa, Tah.- Salekasa, Dist.- Gondia.

- 21) Rajkumar s/o Laxman Kharole,**
A/a 60 yrs., Occ.- Pensioner,
R/a Durga Chowk, Goregaon,
Dist.- Gondia.
- 22) Mahipal s/o Gopichand Tembhurne,**
A/a 60 yrs., Occ.- Pensioner,
R/a Chandrashekar Ward, Gondia,
Dist.- Gondia.
- 23) Arun s/o Narayan Brahmankar,**
A/a 59 yrs., Occ.- Pensioner,
R/a Pragati Nagar, Gondia Road,
Risama, Tah.- Amgaon, Dist.- Gondia.
- 24) Bansilal s/o Zingarji Shende,**
A/a 63 yrs., Occ.- Pensioner,
R/a Sanit Kabir Ward, Tirora,
Tah.- Tirora, Dist.- Gondia.
- 25) Tekchand s/o Jaipal Gate,**
A/a 59 yrs., Occ.- Pensioner,
R/a Pindkepar, Post- Karanja,
Gondia, Dist.- Gondia.
- 26) Pannalal s/o Puranlal Pradhan,**
A/a 59 yrs., Occ.- Pensioner,
R/a Shivnitola, Post- Dasgaon,
Tah. & Dist.- Gondia.
- 27) Fulichand s/o Udaram Walve,**
A/a 61 yrs., Occ.- Pensioner,
R/a Saint Narhari Colony, Karanja,
Tah. & Dist.- Gondia.

- 28) Rajendrashing s/o Panjabrao Tikariya,**
A/a 61 yrs., Occ.- Pensioner,
R/a Behind R.T.O. office,
Pathak Colony, Fulchur Tola,
Gondia, Dist.- Gondia.
- 29) Harichand s/o Konduji Dhurve,**
A/a Surkutola/Patekura, Post.- Dawwa,
Tah.- Sadak-Arjuni, Dist.- Gondia.
- 30) Vyankat s/o Tikaramji Nagpure,**
A/a 59 yrs., Occ.- Pensioner,
R/a Sale Tax Colony, Sai Mauli Colony,
Fulchur, Gondia, Dist.- Gondia.
- 31) Gopal s/o Hari Yetre,**
A/a 64 yrs., Occ.- Pensioner,
R/a Run Chowk, Ward No. 3,
Amgaon, Dist.- Gondia.
- 32) Vijay s/o Krishnaji Halmare,**
A/a 65 yrs., Occ.- Pensioner,
R/a Bajpayee Ward, Murri Road,
Gondia, Dist.- Gondia.
- 33) Ramdas s/o Narbad Shende,**
A/a 64 yrs., Occ.- Pensioner,
R/a Hanuman Mandir,
Vyashnavi Nagar, Chota Gondia,
Gondia, Dist.- Gondia.
- 34) Kishor s/o Narayan Katre,**
A/a 61 yrs., Occ.- Pensioner,
R/a Palewada, Post-Mundipar,
Tah.- Goregaon, Dist.- Gondia.

- 35) Kalabai d/o Shankar Gurve,**
A/a 62 yrs., Occ.- Pensioner,
R/a Angur Bagicha, Gajanan Colony,
Gondia, Dist.- Gondia.
- 36) Sakubai Punaram Uikey,**
A/a 64 yrs., Occ.- Pensioner,
R/a Chipiya, Post.- Chipiya,
Tah. & Dist.- Gondia.
- 37) Premprakash s/o Kewalkrishna Bakshi,**
A/a 61 yrs., Occ.- Pensioner,
R/a Sahyog Colony, Ganesh Nagar,
Gondia, Dist.- Gondia.
- 38) Hivraj s/o Jairam Hatwar,**
A/a 60 yrs., Occ.-Pensioner,
R/a Ward No. 3, Gandhi Ward,
Adasi, Tah. & Dist.- Gondia.
- 39) Isaram s/o Dhulluji Devhari,**
A/a 60 yrs., occ.- Pensioner,
R/a Ambatoli, Fulchur, Teacher Colony,
Gondia, Dist.- Gondia.
- 40) Kuwarlal s/o Sitkuji Bhagat,**
A/a 59 yrs., Occ.- Pensioner,
R/a Gajanan Colony, Angoor Bagicha,
Gondia, Dist.- Gondia.
- 41) Nandkishor s/o Kashiram Kshirsagar,**
A/a 60 yrs., Occ.- Pensioner,
R/a Shastri Ward,
Behind United Hospital,
Gondia, Dist.- Gondia.

- 42) **Gulab s/o Sadashiv Madame,**
A/a 60 yrs., Occ.- Pensioner,
R/a Sankalp Nagar, New Friends Colony,
Bhandara, Dist.- Bhandara.
- 43) **Nandkishor s/o Gulab Borkar,**
A/a 60 yrs., Occ.- Pensioner,
R/a Hasaratoli, Post.- Mitewani,
Tah.- Tumsar, Dist.- Bhandara.
- 44) **Krishnapad s/o Gopal Bishwas,**
A/a 60 yrs., Occ.- Pensioner,
R/a Kesori, Tah.- Kesori,
Dist.- Gondia.
- 45) **Shravan s/o Kiman Bhoyar,**
A/a 60 yrs., Occ.- Pensioner,
R/a Sadak-Arjuni, Tah.- Sadak-Arjuni,
Dist.- Gondia.

... **APPLICANTS**

// V E R S U S //

- 1] **The State of Maharashtra,**
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
- 2] **The State of Maharashtra,**
Through its Secretary,
Finance Department,
Mantralaya, Mumbai-32.
- 3] **The Director General of Police,**
Old Council Hall, Bhagat Singh Marg,
Mumbai – 400 001.

4] **The Superintendent of Police,**
Gondia, Dist.- Gondia.

... **RESPONDENTS**

Shri V.R. Borkar, Learned Counsel for the Applicants.

Shri A.P. Potnis, Id. P.O. for the Respondents.

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

Dated :- 23/04/2025.

O R A L J U D G M E N T

Heard Shri V.R. Borkar, learned counsel for the Applicants and Shri A.P. Potnis, learned P.O. for the Respondents.

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

Applicants were initially appointed as Police Constable in the respective years of appointment. Now all applicants are retired from their service. They are getting pension. Applicants were retired from the office of establishment of Respondent No.4 i.e. Superintendent of Police, Gondia. Applicants were served in Police Department for about 30 years or more, but they could not get the benefit of Time Bound Promotion / Assured Career

Progression Scheme (A.C.P.S.) during their service period. They repeatedly requested the authorities to grant said benefit during the service period, but respondents have not paid any heed to their request. Lastly, applicants submitted their representations requesting Respondent Nos.3 and 4 to grant benefit of Time Bound Promotion / Assured Career Progression Scheme (A.C.P.S.), but the said representations are not decided, those are still pending. Therefore, all applicants approached to this Tribunal for the following reliefs:

“i) That, by issue of suitable writ, order or direction, the respondents are directed to grant benefit of time bound promotion/assured career progression scheme as per the due date of each applicants and also consequential benefits thereupon.

ii) That, in the alternative, direct the respondents to decide the representations/applications submitted by the applicants to the R.no. 3 & 4 and grant the benefit of time bound promotion / assured career progression scheme.

iii) That, any other relief which this Hon’ble Tribunal deems fit under the circumstances of this case be also awarded to the applicant in the interest of justice.”

3. O.A is strongly opposed by the respondents. In para 9 of the reply, it is submitted that Respondent No.4 – Superintendent of Police, Gondia sought guidelines from Respondent No.3, but those guidelines are not received. Therefore, the representations are pending. The material part of the reply in para 9 is reproduced below:-

“9] Reply As to Para 4(B) 4(C) & 4(D): It is respectfully submitted that, the Respondent No.4 on 29.12.2023 made a representation and thereby requested the Director General of Police, Mumbai (M.S.) to issue certain guidelines in respect of Government Resolution dated 02.03.2019 under which, the 'Assured Career Progression Scheme' is implemented w.e.f. 01.01.2016 and the said Government Resolution dated 02.03.2019 further contains that, there shall be three financial up-gradations under the 'Modified Assured Career Progression Scheme' for the employees who have completed and rendered 10, 20 & 30 years continuous service during the period of 7th Pay Commission. The Respondent No.4 further brought to the notice of Respondent No.3 (D.G.P. Mumbai) in respect of the provisions as contained in Government Resolution of Home Department dated 30.06.2023 by virtue of which, the Post of Police Naik has been abolished on dated 25.02.2022.

It is submitted that, the answering respondent also requested the Respondent No.3 to issue guidelines for clarifying the fact that, if the benefits of 10 years is given to the employee who have completed their 10 years service then the possibility of occurring of difference in their pay scale cannot be ruled out and resultantly they shall prompt to make more complaints and in view of these circumstances, the answering respondent has requested the Respondent No.3 to issue guidelines as to whether the benefits of Assured Career Progression Scheme should be given to the Police Constable or not, who have completed 10 years service in the Police Department. However, it is further submitted that, the answering respondent has not received any requisite guidelines in respect of the grievances as made by the applicant in the present Original Application No.1144/2024 from the Respondent No.3 who is the higher authority of the Department. Hence, the grievance of the applicants is still pending before the Competent Authority therefore the applicants are not eligible as prayed by them.”

- 4.** During the course of submission, learned counsel for applicant has pointed out the order passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad in O.A. No. 623/2023 with connected O.As., dated 24/06/2024. He has further

pointed out the order of Hon'ble Bombay High Court in Writ Petition No.17986/2024 in the case of *Sampat Mahadev Jadhav & Ors. VS. The State of Maharashtra & Ors.*, dated 09/12/2024. The Hon'ble Bombay High Court and also the Maharashtra Administrative Tribunal, Bench at Aurangabad directed the respondents to decide the representation within a period of four months.

5. There is no dispute that representations are pending. The Maharashtra Administrative Tribunal, Bench at Aurangabad in O.A. No. 623/2023 with connected O.As, has passed the following order:-

“ **O R D E R**

(i) *The Original Application Nos. 623/2023, 624/2023, 625/2023 & 626/2023 are hereby partly allowed.*

(ii) *The respondents are hereby directed to decide the applications / representations submitted on different dates by the applicants in terms of G.Rs dated 01.04.2010 and 02.03.2019 as expeditiously as possible and preferably within a period of four months from the date of this order on its own merits.*

(iii) It is needless to say that in case, any adverse order is passed in connection with those applications / representations, the applicants would be at liberty to approach this Tribunal again.

(iv) The Original Applications are accordingly disposed of. No order as to costs.”

6. The Hon’ble Bombay High Court in Writ Petition No.17986/2024 in the case of *Sampat Mahadev Jadhav (supra)* dated 09/12/2024 has also observed in Para 4 that respondent shall consider the proposals / representations in the light of the G.R. dated 02/03/2019 and 25/02/2022.

7. Applicants are claiming Time Bound Promotion after completion of 10, 20 and 30 years of service as per the G.R. dated 02/03/2019. As per the submission of learned counsel for applicants, all applicants have completed their service of more than 30 years, but they were not granted benefit as per the G.R. dated 02/03/2019. Therefore, they made representations, those representations are still pending. In view of order passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad dated 24/06/2024 and the order of Hon’ble Bombay High Court in Writ

Petition No.17986/2024 in the case of *Sampat Mahadev Jadhav* (*supra*) dated 09/12/2024, the following order is passed:-

O R D E R

- (i) O.A. is partly allowed;
- (ii) Respondents are directed to decide the applications / representations submitted on various dated in terms of G.Rs. dated 01/04/2010 and 02/03/2019 as expeditiously as possible and preferably within a period of four months from the date of receipt of this order on its own merit;
- (iii) It is needless to say that in case, any adverse order is passed in connection with those applications / representations, the applicants would be at liberty to approach this Tribunal again;
- (iv) No order as to costs.

(Justice M.G. Giratkar)
Acting Chairman.

Dated :- 23/04/2025.
PRM

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

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Acting Chairman.

Judgment signed on : 23/04/2025