

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 760 OF 2024

DISTRICT : NANDURBAR

Mahendra S/o Omkar Chavan,)
Age 54 Years, Occu: Service as Police Inspector,))
Nandurbar SP Office,)
Permanent R/o: Hirawadi Row House No. 11)
Sai Ashish Panchwati, Tq. and Dist. Nashik.)

..... **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Through its secretary,)
Home Department Mantralaya,)
Mumbai. -400032.)
2. **Director General of Police,**)
Maharashtra State Police Head Quarter,))
Shahid Bhagatsing Marg, Colaba,)
Mumbai-400 001.)
3. **Additional Director General of Police)
(Establishment), Maharashtra State)
Police Head Quarter Shahid Bhagatsing)
Marg, Colaba, Mumbai-400 001.)**
4. **Additional Director General of Police (Admin),)**
Maharashtra State Police Head Quarter)
Shahid Bhagatsing Marg, Colaba,)
Mumbai-400 001.)
5. **The Superintendent of Police,**)
Nandurbar. Heliport Devmogra)
Nandurbar-425412.)

.... **RESPONDENTS**

APPEARANCE : Shri P.M. Nagargoje, Counsel for the Applicant.

: Smt. Deepali S. Deshpande, Presenting Officer
for respondent authorities.

CORAM : **Justice Shri V.K. Jadhav, Vice Chairman**
and
Shri Vinay Kargaonkar, Member (A)

DATE : **19.12.2024.**

O R A L - O R D E R

(PER : Hon'ble Justice Shri V.K. Jadhav, Vice Chairman)

1. Shri P.M. Nagargoje, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent authorities, are present.

2. Learned counsel for the applicant seeks leave to carry out amendment in the Original Application in terms of order dated 01.08.2024.

3. Leave granted. Applicant to carry out necessary amendment in the O.A. forthwith.

4. Heard finally with the consent of both the sides at the admission stage itself.

5. It appears that by carrying out amendment, the applicant is now seeking directions to respondents particularly Departmental Promotion Committee (for short DPC) to consider the case of the applicant for promotion on the basis of G.Rs. dated 15.12.2017, 30.08.2018 and 01.08.2019 respectively.

6. Learned counsel for the applicant submits that applicant restricts his Original Application to the extent of prayer clause-C only. The applicant is presently working as Police Inspector at Nandurbar and he is in the zone of consideration for being promoted on the post of Deputy Superintendent of Police/ Assistant Commissioner of Police (Unarmed). However, in the last two DPC meetings, sealed cover procedure was applied to the case of the applicant for the reason that certain cases are pending against him.

7. Learned Presenting Officer has pointed out that respondent No. 1 in his affidavit in reply has clearly mentioned that the applicant's assessment for the promotion in the cadre of Deputy Superintendent of Police/ Assistant Commissioner of Police (Unarmed) is kept in sealed cover for the first time by DPC in the year 2021-22 and the period of two years in respect of his sealed cover is completed as on 18.08.2024. It is further specifically stated in the affidavit in reply that in pursuance of the provisions of G.R. issued by the General Administration Department dated 15.12.2017 particularly in terms of point No. 9 (a to g) to consider the case of applicant therein a specific information is called from the Director General of Police, Maharashtra State, Mumbai. Learned P.O. submits that now, the

information is received by communication dated 01.12.2024, which is taken on record as document 'X' for identification. On perusal of the same, it appears that so far as the Departmental Enquiry as detailed in the chart at Sr. Nos. 2 & 3 are concerned, some minor punishment has been inflicted on the applicant and departmental enquiry at Sr. No. 4 has been closed now. So far as Crime No. 09/2020 is concerned, there is no information available.

8. In view of above, we find no hurdle as such to consider the case of the applicant on its own merits in terms of G.Rs. dated 15.12.2017, 30.08.2018 and 01.08.2019 respectively. Hence, the following order :-

ORDER

- (i) The Original Application is hereby allowed in terms of prayer clause-C alone, which is as under :-

“C. This Hon’ble Tribunal be pleased to direct Departmental Promotion Committee to consider the case of applicant for promotion on the basis of G.Rs. dated 15.12.2017, 30.08.2018 and 01.08.2019.”

- (ii) In the circumstances there shall be no order as to costs.
- (iii) The Original Application is accordingly disposed of.

MEMBER (A)

VICE CHAIRMAN

PLACE : Aurangabad.

DATE : 19.12.2024

KPB S.B. O.A. No. 760 of 2024 Seniority list/ deem date of promotion