

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.435 of 2021 (D.B.)**

Shri Ramesh S/o Natthuji Tajne,
Age about 53 years, Occupation: Service, R/o Plot No. 47,
Ingole layout Zingabai Takli Godhani road, Nagpur 440 030.

Applicant.

Versus

- 1) The State of Maharashtra
through its Secretary General Administration Department,
Mantralaya, Mumbai 400 032.
- 2) The Secretary,
Home Department, Mantralaya,
Mumbai 400 032.
- 3) The Director General of Police Maharashtra State,
Shahid Bhagatsingh Marg, Colaba, Mumbai 400 001.
- 4) The Supdt. of Police Nagpur (Rural),
Civil line, Nagpur 440 001.

Respondents.

S/Shri P.M. Mandwekar, C.F. Bhagwani, A.T. Joshi Advs. for the applicant.

Shri V.A. Kulkarni, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar, Vice Chairman
and
Hon'ble Shri Nitin Gadre, Member (A).**

Dated :- 13/11/2024.

J U D G M E N T

Heard Shri P.M. Mandwekar, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was appointed on the post of Police Constable on 17/07/1990. The date of birth of applicant is 07/06/1968. The applicant was promoted on the post of Head Constable. Thereafter he was given temporary promotion on ad-hoc basis on the post of Police Sub Inspector on 26/04/2016 for a period of two months and it was continued. As per order dated 30/04/2018 he was reverted / directed to join duty on the post of Head Constable.

3. It is the submission of the applicant that as per G.R. dated 01/11/1977 he need not to pass the departmental examination for promotion to the post of Police Sub Inspector. The applicant was denied promotion on the ground that he has not passed the departmental examination. Hence, the applicant has approached to this Tribunal for the following reliefs –

“(a) The Hon'ble tribunal may please be directed to the respondents to take immediate action to revise the pay scale of the applicant as per directions given in G.R. of Nov 1, 1977 and G.R. of April 18th, 1995 issued by the State of Maharashtra Government.

(b) The applicant has completed his 45 years on dated 07/06/2013, therefore, the respondent is directed to be promoted to the post of Police Sub Inspector by granting exemption/ condoning of departmental examination from the date of completed his age of 45 years as per G.R. Issued by the G.A.D. of dated November 1, 1977. That the applicant is further requested to this Hon'ble Tribunal that his pension on super annulations on dated 30.06.2026, will be revised as result of increased in pay scale of Police Sub Inspector.

(bb) The respondents be directed to issue time bound promotion/assured career progressive benefit to the applicant from the date of completed the age of 45 years. That the respondent may fix the salary of the applicant and pay the arrears.

(c) further directed respondents to pay the arrears of pay and allowance till his receive with interest to applicant.”

4. The O.A. is strongly opposed by respondent nos.3 and 4. It is submitted that the applicant has not passed the departmental examination. The G.R. dated 01/11/1977 of G.A.D. is not applicable to the Police Department. Hence, the applicant cannot claim the benefit of the said G.R. Therefore, the O.A. is liable to be dismissed.

5. During the course of submission, the learned counsel for applicant has pointed out the Judgment of the Hon'ble Bombay High Court, Bench at Nagpur in W.P.No. 5031/2021 with connected W.Ps. and the Judgment of this Tribunal in O.A. No.294/2020 with connected O.As.

6. The learned P.O. has submitted that the Judgments cited by the side of applicant are not applicable to the case in hand because the applicant has not passed the departmental examination as per the Police Manual.

7. The G.R. issued by G.A.D. is not applicable to the Police Department. There is no dispute that the G.R. is in respect of time bound promotion is applicable to the applicant. As per the G.R. of

1995 and thereafter it is made clear that the employees who have completed 12 years of service on the same post and could not get further promotion, are entitled to get time bound promotion. Hence, applicant who was holding the post of Head Constable is entitled to get time bound promotion. The applicant was initially appointed on the post of Police Constable. Thereafter he was promoted as Head Constable. As per the reply, now he is promoted on the post of A.S.I. as per the order dated 02/08/2022.

8. The applicant can get time bound promotion if he is eligible as per the G.R. of 1995 and further GRs. issued by the State Government from time to time and if he fulfils the criteria as per the Govt. G.Rs. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to grant time bound promotion to the applicant as per the G.R. of 1995 and thereafter issued by the Government of Maharashtra from time to time if the applicant is eligible for the same and fulfils the criteria as per the relevant G.Rs. for time bound promotion.

(iii) No order as to costs.

(Nitin Gadre)
Member(A).

(Justice M.G.Giratkar)
Vice Chairman.

Dated :- 13/11/2024.

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 and
Member (A).

Judgment signed on : 13/11/2024.