

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.421 OF 2017

DISTRICT : MUMBAI

Mr. Vinod Vishnu Shirke.)
Age : 53 Yrs., Police Constable Cleaner,)
Motor Transport Section, Nagpada,)
Mumbai 400 008 and residing at New PMGP)
Colony, 'N' Building, 4th Floor, Flat No.402,)
Mulund (E), Mumbai – 400 081.)...**Applicant**

Versus

1. Government of Maharashtra,)
Through Principal Secretary,)
General Admn. Department,)
Mantralaya, Mumbai 400 032.)
2. Government of Maharashtra,)
Through Principal Secretary,)
Finance Department, Mantralaya,)
Mumbai 400 032.)
3. Commissioner of Police, Mumbai)
Having office at Crawford Market,)
Mumbai.)...**Respondents**

Mr. M.D. Lonkar, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

PER : SHRI J.D. KULKARNI (VICE-CHAIRMAN)

DATE : 23.01.2018

ORDER

1. Heard Mr. M.D. Lonkar, the learned Advocate for the Applicant and Mr. A.J. Chougule, the learned Presenting Officer for the Respondents.

2. The Applicant has been appointed as a Police Constable with effect from 31.05.2004. He was posted as Police Constable Cleaner vide order dated 3rd May, 2013 and joined the duty on 4th June, 2013. The Applicant vide representation dated 8th May, 2017 requested the Respondent No.4 to grant him benefit under CAPS i.e. Career Assured Progression Scheme. As per the said Scheme, a Government servant who is absorbed or posted to another post in the same pay scale or even if in a revised pay scale, the benefit of Time Bound Promotion Scheme is applicable to such servant by taking into consideration completion of 12 years regular service in his original post. A G.R. has already been issued in this regard on 1st November, 1995 by the Respondent No.1. The Applicant has, therefore, claimed the following relief.

“(a) This Hon’ble Tribunal be pleased to hold and declare that the impugned order dated 8th May, 2017 issued by Respondent No.4 as illegal and bad in law and the same be quashed and set aside with directions to the Respondents to consider the case of the present Petitioner for grant of benefits of CAPS after completion of 12 years regular service in the original post of Police Constable and if found fit be directed to be granted all

financial benefits within the stipulated period as may be prescribed by this Hon'ble Tribunal in the facts and circumstances of the present case.”

3. The learned P.O. has placed on record a copy of the order issued by the Additional Police Commissioner, Motor Transport Department, Mumbai dated 23.01.2018. The said order is marked as 'X' for the purposes of identification. From the said order, it seems that the Applicant has been awarded benefit of Time Bound Promotion with effect from 1st June, 2016.

4. The learned P.O, therefore, submits that the application be disposed of in view of the fact that the claim of the Applicant has been redressed.

5. The learned Advocate for the Applicant submits that the Department has issued the order granting benefit of the Time Bound Promotion with effect from 1st June, 2016 and the Respondents also admit that the application will be entitled to claim arrears of such Time Bound Promotion with effect from 1st June, 2016. The Officer present on behalf of Respondent No.1 submits that the Department has taken steps to pay arrears to the Applicant and such payment shall be made within two months from today.

6. In view thereof, I pass the following order.

7. The Original Application No.421 of 2017 stands disposed of in view of the order passed on 23rd January, 2018 (Exh. 'X') as the main grievance of the Applicant has been redressed. The

Respondent No.3 is directed to pay arrears to which the Applicant is entitled in view of Time Bound Promotion granted to him with effect from 1st June, 2016 within two months from the date of this order. In case, the arrears, as may be admissible, are not paid within two months from the date of this order, the Applicant will be entitled to claim interest on such arrears from 1st June, 2016 till actual realization of the said arrears by filing a representation to that effect. No order as to costs.

**Sd/-
(J.D. Kulkarni)
Vice-Chairman
23.01.2018**

Mumbai
Date : 23.01.2018
Dictation taken by :
S.K. Wamanse.

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