

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.627/2017 (S.B.)**

Zamulal S/o Lalsing Maraskhole,  
Aged about 61 years, Occupation: Retired,  
R/o Dattavihar Coloney, Near Tapovan, New Camp,  
Amravati, Tah. & Dist. Amravati.

... **APPLICANT**

**// V E R S U S //**

- 1] The State of Maharashtra,  
Through it's Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
- 2] The Director General of Police (M.S.),  
Hutatma Chowk, Near Regal Cinema, Mumbai.
- 3] The Superintendent of Police,  
Amravati Rural, Camp Amravati,  
Tah. & Dist. Amravati.

... **RESPONDENTS**

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**Shri S.N. Gaikwad, Advocate for the Applicant.**

**Shri M.I. Khan, learned P.O. for the Respondents.**

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

**Dated    :-    07/01/2025.**

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**J U D G M E N T**

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

The applicant was appointed as a Police Constable on 26/10/1976. He was posted at various places. Respondent no.3 has granted functional promotion of Police Naik to applicant on 23/01/1991. On 26/07/2007, the applicant was promoted as a Police Naik as per order issued by Respondent No.3. Again on 29/08/2008 and 18/11/2008, the applicant has specifically stated that A.S.I. Shri Ramnath Solanke, Shri Shrikrishan Chavan, Shri Kisan Sustane, Shri Babulal Patel and Shri Sanu Belsare all these A.S.I. / Police Officers were appointed along with the applicant and all these persons were already promoted and the applicant is not promoted on the post of A.S.I. The applicant has filed an Appeal before the Respondent No.2. The Respondent No.2 has not taken any step on his appeal. Therefore, applicant approach to this Tribunal for the following reliefs:-

- “i. allow the instant original application with costs;*
- ii. be pleased to direct the respondent No.3 i.e. The Superintendent of Police, Amravati Rural to grant and*

*provide the entire benefits of Time Bound Promotion Scheme and Assured Progress Scheme as contemplated in Govt. Resolutions dated 08.06.1995 and 01.04.2010 forthwith to the applicant, further directed the respondent No.2 i.e. Director General of Police, Maharashtra State, Mumbai and the respondent No.3 i.e. The Superintendent of Police, Amravati Rural to grant deemed date of promotion from the date when the person who was recruitment alongwith him;*

*iii. be pleased to direct the respondent No.2 i.e. Director General of Police, Maharashtra State, Mumbai to decide the appeal dated 27.04.2009 filed by the applicant.”*

3. The O.A. is strongly opposed by the Respondents. It is submitted that the ACRs of applicant were not ‘Good’ and therefore he is not promoted. It is also submitted that the applicant was intimated the reasons for not promoting him. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, learned counsel for applicant has submitted that the remarks of ACRs were not communicated to the applicant and therefore the respondents cannot say that applicant is not entitled to get promotional pay. In support of his submission, he has pointed out the Judgment of the Bombay High Court bench at Nagpur in Writ Petition

No.652/2010 in the case of *Dr. Sudam Krushnaji Chapale Versus State of Maharashtra and others.*

5. During the course of submission, Learned P.O. has submitted that the applicant was informed about the decision of the Divisional Promotion Committee (D.P.C.) and the appeal preferred by the applicant has already been dismissed. That order is not challenged by the applicant.

6. The document at Page No.34 shows that applicant was informed about his unfitness for promotion. The material part of the letter dated 04/01/2012 is reproduced below :-

“ विषय:- पदोन्नतीच्या अपात्रतेबाबत

उपरोक्त विषयान्वये आपणांस कळविण्यात येते की, आपण अमरावती जिल्हा पोलीस घटकांत पोलीस शिपाई पदावर दिनांक २६.१०.२०७६ रोजी नियुक्त झाले आहे. आपली जात गोंड असून अनुसूचित जमाती या प्रवर्गामध्ये आहे. जात पडताळणीमध्ये आपली जात वैध वरविण्यात आली आहे. आपले सेवापटामध्ये सन १९७८ ते २०१० पर्यन्त खालीलप्रमाणे वार्षिक शेरे नोंदविण्यात आले आहेत.

१९७८- Inturn	१९७९- Inturn	१९८१- Average	१९८२ - Not yet
१९८३- Not yet	१९८४- Not fit	१९८५ - Average	१९८६- Average
१९८७- Unfit	१९८९- Unfit	१९९०- Unfit	१९९३- Average
१९९४- Not yet	१९९५- Notyet	१९९९- Unfit	२०००- Notyet
२००१- Inturn	२००५- B Fit	२००७- Unfit C	२००८- B-
२००९- B-	२०१०- B laturn		

पोलीस शिपाई पदावरून पोलीस नाईक पदावर पदोन्नती देण्याकरिता विभागीय पदोन्नती समितीने दिनांक १८.५.१९९३, ५.५.१९९५, १९९७, ४.१२.१९९८, १६.५.१९९९, १.६.२००० आणि २५.९.२००३ रोजी पदोन्नतीसाठी विचार केला परंतु प्रत्येक वेळच्या निवडसूचीमध्ये ५ वर्षांचे शे-याची सरासरी किमान निकष पूर्ण करिता नसल्याने आपणांस पदोन्नतीस अपात्र करण्यात आले. दिनांक २०.७.२००७ रोजी झालेल्या पदोन्नती मिटींगचे वेळी आपणांस पदोन्नती समितीने पात्र ठरविल्याने दिनांक २७.७.२००७ रोजी पोलीस नाईक पदावर पदोन्नती देण्यात आली आहे. दिनांक २७.७.२००७ रोजी पोलीस नाईक पदावर पदोन्नता झालेल्या कोणत्याही अनुसूचित जमातीच्या कर्मचा-यांस पोलीस हवालदार पदावर अद्याप पदोन्नती देण्यात आलेली नाही.

आपण आपले सेवा काळात कर्तव्यावर अनुपस्थित राहिल्याबाबत व अन्यकसुरीबंददल एकुण ४५ लहान शिक्षा देण्यात आलेल्या आहेत व फक्त १३ बक्षीस मिळविलेली आहेत. आपण कर्तव्यावर ७५ वेळा एकुण ५३४ दिवस अनधिकृतपणे गैरहजर राहील्याने वेगवेगळ्या कालावधीच्या एकुण ६२ वेळा विनावेतन रजा मंजूर करण्यात आल्या आहेत. आपला सेवाअभिलेख व वार्षिक शेरे पदोन्नती निकषानुसार प्रतिकूल असल्याने प्रत्येक वर्षी पदोन्नती समितीने पुढील पदोन्नतीसाठी अपात्र ठरविले असल्याने आपणास पदोन्नती देण्यात आली नाही. वार्षिक शेरे आपणांस दाखविण्यांत आले आहेत.

उपरोक्त कारणांमुळे आपले सोबतच्या कर्मचा-यासोबत आपणांस पदोन्नती मिळाली नाही त्यामुळे सदरची वस्तुस्थिती आपणास अवगत करण्यात येत आहे.

(एस. जयकुमार)

पोलीस अधिक्षक, अमरावती ग्रामीण ”

7. From the perusal of the letter, it appears that in the year 1994 and 1995, nothing is mentioned as to why the applicant was unfit for promotion. Moreover, the adverse remarks are not produced by the respondents. In view of the Judgment cited by the side of applicant, if the adverse remarks are not communicated, then the respondents cannot say that he is not eligible for promotion. Looking to the letter dated 04/01/2012, the following order is passed:-

**O R D E R**

- (i) O.A. is partly allowed.
- (ii) The Respondents are directed to consider the claim of applicant of the year 1994 - 1995 within a period of three months from the date of receipt of this order.
- (iii) No order as to costs.

**(Justice M.G.Giratkar)**  
**Vice Chairman.**

**Dated :-07/01/2025.**  
**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 Vice Chairman.

Judgment signed on : 07/01/2025.