

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 150/2025
ORIGINAL APPLICATION NO. 151/2025
ORIGINAL APPLICATION NO. 152/2025
ORIGINAL APPLICATION NO. 153/2025
ORIGINAL APPLICATION NO. 196/2025 AND
ORIGINAL APPLICATION NO. 208/2025**

DISTRICT:- JALGAON

1. ORIGINAL APPLICATION NO.150/2025

Shri Vasant S/o. Namdeo Nikam,
Age: 54 Years, Occu- Service,
R/o. Bodhwad, Tq. Bodhwad,
Dist. Jalgaon.

...APPLICANT

V E R S U S

1. The State of Maharashtra,
Through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.

2. The Superintendent of Police,
Office of Superintendent of Police,
Jalgaon.

...RESPONDENTS

2. ORIGINAL APPLICATION NO.151/2025

Shri Bhaskar S/o. Namdeo Chavan,
Age: 54 Years, Occu- Service,
R/o. Near AVM House, V-20,
Jalgaon, Dist. Jalgaon.

...APPLICANT

V E R S U S

1. The State of Maharashtra,
Through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.

2. The Superintendent of Police,
Office of Superintendent of Police,
Jalgaon.

...RESPONDENTS

3. ORIGINAL APPLICATION NO.152/2025

Shri Kiran S/o. Anil Chate,
Age: 40 Years, Occu- Service,
R/o. Mehroon, Shriram Mandir Chowk,
Jalgaon, Tq & Dist. Jalgaon.

...APPLICANT

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.

2. The Superintendent of Police,
Office of Superintendent of Police,
Jalgaon.

...RESPONDENTS

4. ORIGINAL APPLICATION NO.153/2025

Shri Mahesh S/o. Ishwar Wanjari,
Age: 40 Years, Occu- Service,
R/o. Laxminagar, Faizpur,
Dist. Jalgaon.

...APPLICANT

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.

2. The Superintendent of Police,
Office of Superintendent of Police,
Jalgaon.

...RESPONDENTS

5. ORIGINAL APPLICATION NO.196/2025

Shri Dhanraj S/o. Shantaram Badgujar,
Age: 52 Years, Occu- Service,
R/o. Lohare (Bk), Tq. Pachora,
Dist. Jalgaon.

...APPLICANT

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.

2. The Superintendent of Police,
Office of Superintendent of Police,
Jalgaon.

...RESPONDENTS

6. ORIGINAL APPLICATION NO.208/2025

Shri Ravindrasingh S/o. Ramsingh Patil,
 Age: 56 Years, Occu- Service,
 R/o. Saipar, Phase-2,
 Near Krishna Darshan Society,
 Pungaon Shivar, Pachora,
 Tq. Pachora, Dist. Jalgaon.

...APPLICANT

V E R S U S

1. The State of Maharashtra,
 Through its Secretary,
 Ministry of Home Department,
 Mantralaya, Mumbai-32.

2. The Superintendent of Police,
 Office of Superintendent of Police,
 Jalgaon.

...RESPONDENTS

 APPEARANCE :Shri V.R.Jain, Counsel for Applicants.

:Shri Mahesh B. Bharaswadkar, Chief
 Presenting Officer, Shri A.P.Basarkar,
 Shri S.S.Dambe, Shri V.G.Pingle and
 Smt. Resha Deshmukh, Presenting
 Officers for the respondent authorities.

**CORAM : JUSTICE SHRI V.K.JADHAV, VICE CHAIRMAN
 AND
 SHRI VINAY KARGAONKAR, MEMBER (A)**

Reserved on : 11-11-2025

Pronounced on : 17-11-2025

O R D E R

[Per : Justice V.K.Jadhav, Vice Chairman]

1. Heard Shri V.R.Jain, learned Counsel for the
 Applicants, Shri Mahesh B. Bharaswadkar, learned Chief
 Presenting Officer, Shri A.P.Basarkar, Shri S.S.Dambe,

Shri V.G.Pingle and Smt. Resha Deshmukh, learned Presenting Officers for the respondent authorities in respective matters.

2. All these O.As. are taken up together for discussion and decided by this common order since the issue involved is similar.

3. By filing [i] O.A.No.150/2025 (applicant Shri Vasant Nikam), [ii] O.A.No.151/2025 (applicant Shri Bhaskar Chavan), and [iii] O.A.No.208/2025 (applicant Shri Ravindrasingh Patil), applicants are seeking directions to the respondents to consider them for promotion to the post of **Police Sub Inspector** or the post to which they are entitled to be promoted and also give the benefits of the said post in terms of the G.R. dated 15-12-2017. Applicant in O.A.No.150/2025 Shri Vasant Nikam has also requested to consider the representation dated 16-04-2024 filed by him in that regard.

4. By filing [iv] O.A.No.152/2025 (applicant Shri Kiran Chate), and [v] O.A.No.153/2025 (applicant Shri Mahesh Wanjari), applicants are seeking directions to the respondents to consider their respective representations dated 27-09-2024, for promotion to the post of **Police Hawaldar** and also seeking the benefits of the said post in terms of the G.R. dated 15-12-2017.

5. Applicant by filing [vi] O.A.No.196/2025 (applicant Shri Dhanraj Badgujar) is seeking directions to the respondents to consider him for promotion to the post of **Assistant Police Sub Inspector** or the post to which he is entitled to be promoted and also give the benefits of the said post in terms of the G.R. dated 15-12-2017.

6. In this context the chart submitted by the learned Counsel for the applicants is relevant and the same is reproduced hereinebelow:

S r. N o.	Name	O.A. No.	Date of appointment	First Promotion	Second Promot ion	FIR No.	Date of filing of charge-sheet	Case No. & Status
1	Vasant Nikam	150/25	4.10.1993 Police Constable	4.10.2005 Police Naik	8.6.2020 Police Hawaldar	34/2023 25.2.23	9.2.24	Spl. (ACB) 21/2024 Charge
2	Bhaskar Chavan	151/25	20.3.1993 Police Constable	31.10.2005 Police Naik	8.7.2020 Police Hawaldar	469/2021 (24.10.21)	18.11.22	Spl. (ACB) 44/2022 Formal hearing
3	Kiran Chate	152/25	26.07.2006 Police Constable	Oct-2017 Police Naik	-	38/2023 (25.3.23)	01.04.24	Spl. Case 297/22 ASJ Jalgaon
4	Mahesh Wanjari	153/25	15.07.2006 Police Constable	6.08.2016 Police Naik	-	38/2023 (25.3.23)	01.04.24	Spl. Case 297/22 ASJ Jalgaon
5	Dhanraj Badgujar	196/25	1.1.1998 Police Constable	28.12.2012 (Temporary) Police Naik	-	3026/2014 (14.8.14)	20.12.14	Special ACB 18/2014 Acquitted by Sessions Court
6	R.R. Patil	208/25	30.08.1993 Police Constable	10.09.2005 Police Naik	-	3059/2015 (27.11.15)	16.2.16	Special ACB 07/2016 Evidence

7. Learned Counsel for the applicants submits that even though the departmental enquiries are concluded and punishment, if any, inflicted as against any of the applicants, the period of said punishment is over. Learned Counsel submits that so far as the respective criminal cases are concerned, those are pending for more than 2 years and as such the applicants can be considered for ad-hoc promotion subject to the decision of the criminal court in connection with the said cases in terms of the G.R. dated 15-12-2017 and 01-08-2019, respectively.

8. Learned C.P.O. and P.Os. have opposed all the applications mainly on the ground that, except Shri Dhanraj S/o. Shantaram Badgujar (applicant in O.A.No.196/2025), the criminal cases are pending against the respective applicants in other O.As. Learned C.P.O. submits that Departmental Promotion Committee (DPC) has passed the order dated 14-08-2023 and promoted 33 Police Hawildar to the post of Assistant Police Sub-Inspector. Learned P.O. submits that criminal cases are pending against all these applicants and D.P.C. has, therefore, decided that the decision about their promotion will be taken after those criminal cases are disposed of. Learned C.P.O. submits that the decision about their promotion is kept in sealed cover in the DPC meeting held on

14-08-2023 in terms of the G.R. dated 01-08-2019 and appropriate decision will be taken after the criminal cases are decided.

9. We have carefully gone through the G.R. dated 01-08-2019, which is the consolidated G.R. issued by the Government dealing with the issue of promotion of such an employee against whom either the departmental enquiry or the criminal case is pending. In this G.R. dated 01-08-2019, though G.Rs. reference no.1 to 13 are superseded, however, G.Rs. reference no.14 to 35 are not superseded and those are required to be read with the latest consolidated G.R. dated 01-08-2019.

10. In the G.R. dated 15-12-2017, clause no.9, particularly deals with this situation. Admittedly, in respect of each and every applicant before us, two years' period has already over after the sealed cover procedure was made applicable to them. It is for the department to take conscious decision in terms of clause 9 of the G.R. and considering their promotional aspects on ad-hoc basis subject to the decision rendered by the criminal court in the pending cases against them. It is not the correct approach of the respondent authorities to say that, the promotional aspects of the

applicants will be considered only after the criminal cases pending against them are disposed of.

11. In the instant group of matters, Special Case (ACB) No.21/2024 against the applicant Vasant Nikam in O.A.No.150/2025 is pending for charge. Special Case (ACB) No.44/2022 against the applicant Bhaskar Chavan in O.A.No.151/2025 is still pending for formal hearing. Similarly, Special Case (ACB) No.297/2022 is still pending against Kiran Chate applicant in O.A.No.152/2025 and Shri Mahesh Wanjari, applicant in O.A.No.153/2025. So far as the applicant Ravindrasingh R. Patil in O.A.No.208/2025 is concerned, Special Case (ACB) No.07/2016 is pending for evidence. So far as the applicant Dhanraj Badgujar in O.A.No.196/2025 is concerned the learned Sessions Court has acquitted him in connection with Special Case (ACB) No.18/2014.

12. These applicants are requesting for promotion on the post of Hawaldar, Assistant Police Sub-Inspector or Police Sub Inspector, as the case may be. Thus, in all these cases, the appropriate decision can be taken by applying the procedure prescribed in clause 9 of the G.R. dated 15-12-2017 r/w. G.R. dated 01-08-2019. With these directions the O.As. can be disposed of.

13. In view of the above discussion, the following order is passed:

ORDER

- [i] O.As. are hereby partly allowed.
- [ii] Respondent no.2 is hereby directed to consider the promotional aspect of the applicants in
[i] O.A.No.150/2025 - Shri Vasant Nikam,
[ii] O.A.No.151/2025 - Shri Bhaskar Chavan,
[iii] O.A.No.208/2025 - Shri Ravindrasingh Patil,
[iv] O.A.No.152/2025 - Shri Kiran Chate,
[v] O.A.No.153/2025 - Shri Mahesh Wanjari, and
[vi] O.A.No.196/2025 - Shri Dhanraj Badgujar,
in terms of clause 9 of the G.R. dated 15-12-2017 r/w. consolidated G.R. dated 01-08-2019, on the post of Police Hawaldar or Assistant Police Sub Inspector or Police Sub Inspector, as the case may be, to which each one of them is entitled to be promoted, as expeditiously as possible, preferably within a period of 3 months from the date of this order.
- [iii]. These O.As. are accordingly disposed of. No costs.

(VINAY KARGAONKAR)
MEMBER (A)

(V. K. JADHAV)
VICE CHAIRMAN

Place : Aurangabad
Date : 17-11-2025.