

No I-14011/13/2018-IPS.I
Government of India / Bharat Sarkar
Ministry of Home Affairs / Grih Mantralaya

North Block, New Delhi,
Dated, the 18th April, 2019

ORDER

Whereas, Original Application (O.A.) No. 853 of 2010 was filed by Shri Amar Vijay Jadhav, Shri Sanjay Vilas Mohite and Shri Pravin Ramrao Pawar, IPS officers of Maharashtra Cadre, before the Hon'ble CAT, Mumbai Bench. The following reliefs were sought by the applicants in the aforesaid OA:-

i) To call for the record of the case from the respondents and after examining the same direct amendment of the impugned notification dated 30th March 2010 to be read as having caused cadre review and increase in the cadre strength of the IPS officers in the State of Maharashtra w.e.f. October 2008, consequentially causing consideration for promotions of the applicants w.e.f. 01.01.2009 along with the consequential benefits including postings of the applicants in the cadre posts in the IPS.

ii) To direct the respondents to hold the selection proceedings or filling up the cadre posts with retrospective effect i.e. w.e.f. 01.01.2009 along with all consequential benefits.

2. **Whereas**, the OA was allowed by the Hon'ble CAT, Mumbai Bench vide order dated 25.08.2011. Operative part of the order reads:

"16. In view of the above discussion of fact and law, we have no hesitation in holding that the tragic and unfortunate incidence of 26.11.2008 has no nexus and/or bearing on the delayed cadre review in question, which should have been duly completed and notified well before 26.11.2008. The O.A., therefore, deserves to be allowed with a similar direction to the respondents to reconsider the question of promotion of the applicants to IPS on the basis of redetermined strength of the cadre, treating the same to be in the year 2008, and, if on such a reconsideration, relief would be available to any of the applicants for promotion to IPS on the basis of quota available to them in the cadre, the same may be given to them w.e.f. 01.01.2009 with notional consequential benefits of pay fixation, seniority, etc.

.....

18. The O.A., is thus, allowed in terms of the above directions read with prayer made in para 8 of the O.A. The respondent shall comply with the directions within three months from the date of receipt of a copy of this order. M.P. No. 479/2011 also stands disposed of."

3. **Whereas**, this Ministry filed Writ Petition No.2203 of 2013 before the Hon'ble High Court of Bombay and the same was dismissed vide order dated 28.11.2017. Thereafter, this Ministry filed SLP No. 22140 of 2018 and the same was also dismissed vide order dated 23.07.2018.

4. **Whereas**, this Ministry filed Review Petition (Civil) No. 3872 of 2018 before the Hon'ble Supreme Court and same was dismissed by the Apex Court vide order dated 24.01.2019.

5. **Whereas**, Contempt Petition No. 23 of 2017 filed in CAT Mumbai by Amar Vijay Jadhav & Others was heard on 06.03.2019. The Hon'ble Tribunal granted eight weeks time (i.e. by 05.05.2019) to fully comply with the direction dated 25.08.2011 and file compliance affidavit within two weeks thereafter (i.e. by 19.05.2019). The Contempt Petition is now listed for hearing on 11.06.2019.

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6. **Whereas**, Government of Maharashtra was requested to take immediate steps to implement the judgment dated 25.08.2011, extending the benefit to the applicants in personnem only vide this Ministry's letter dated 22.02.2019. Thereafter, the State Government was also reminded vide letters dated 08.03.2019 and 26.03.2019.

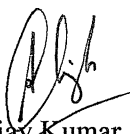
7. **Whereas**, in compliance of Hon'ble CAT, Mumbai Order dated 25.08.2011 in O.A. No. 853 of 2010, Government of Maharashtra vide letter No. IPS-3217/CR-460/POL dated 10.04.2019 has forwarded a proposal with regard to fixation of allotment year in respect of Shri S.V. Mohite, Shri Amar Vijay Jadhav and Shri P.R. Pawar.

8. **Whereas**, the Government of Maharashtra has stated that "in the OA No. 853 of 2010 filed in the Hon'ble CAT, Mumbai Bench, the applicants had prayed to consider their name for promotion in IPS w.e.f. 01.01.2009. The applicants has also mentioned in the OA that accordingly they should be given allotment year of 2004."

9. **Now Therefore**, in compliance of Hon'ble CAT, Mumbai Order dated 25.08.2011 in O.A. No. 853 of 2010, on the basis of the proposal submitted by the State Government, as the applicants are to be considered promoted from 01.01.2009 as per the directions of Hon'ble CAT, the year of allotment/seniority of the aforesaid officers is re-fixed as follows in partial modification of this Ministry's Order No. I-15011/8/2014-IPS-I dated 13.06.2014 and Order No. I-15011/8/2013-IPS-I (Part-I) dated 27.03.2018:-

| Sl. No. | Name of the Officers | Name of the notional Select list | Date from which holding rank not below DSP or equivalent | Completed years of service in the grade of DSP or equivalent (Fractions if any are to be ignored) | Total weightage in terms of IPS (Regulation of Seniority) Rules, 1988 as amended vide notifications no. 14.14/54/96-AIS (I) dated 31.12.97, 14014/14/2000-30.08.2005 (years) | Year of allotment |
|---------|----------------------|----------------------------------|--|---|--|-------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | Sh. S V Mohite | 2009 | 15.07.1992 | 17 | 5 | 2004 |
| 2 | Sh. A V Jadhav * | 2009 | 15.07.1992 | 17 | 5 | 2004 |
| 3 | Sh. P R Pawar | 2009 | 15.07.1992 | 17 | 5 | 2004 |

*Voluntarily Retired.


(Ajay Kumar Singh)

Under Secretary to the Government of India

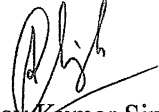
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Copy to:-

1. The Chief Secretary, Government of **Maharashtra, Mumbai** {Kind Attn. Shri Kailash Gaikwad, Deputy Secretary (Home Department.- With the request that the concerned officers may be intimated in this regard.
2. The Secretary, DOP&T, North Block, New Delhi- for information.
3. The Account General, Maharashtra, Mumbai.
4. Director General of Police, Maharashtra, Mumbai.
5. IPS-II, IPS-III, IPS-IV, ACR Cell/Seniority seat/Civil List seat.
6. ✓ SO (IT) for uploading this order on the website of MHA- IPS Management- SPS to IPS-Seniority fixation.



(Ajay Kumar Singh)

Under Secretary to the Government of India