

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5031/2021

1. The State of Maharashtra, Through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.),
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police, Gadchiroli,
Taluka and District Gadchiroli.

PETITIONERS

.....VERSUS.....

Sadanand Nilkanthrao Thote,
aged about 54 years, Occupation: Service,
R/o Plot No.3, Flat No.F3, Tina Aparts. Shila Nagar,
Katol road, Nagpur, Tah. & Dist. Nagpur.

RESPONDENT

WITH

WRIT PETITION NO. 5034/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralaya, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police, Gadchiroli,
Taluka and District Gadchiroli.

PETITIONERS

.....VERSUS.....

Rajkumar Pandurang Sonpitale,
Aged about 57 years, Occupation Service,
R/o. B-22, Govindnagar, Pimpalgaon Road,
Yavatmal, Tahsil and District Yavatmal.

RESPONDENT

WITH

WRIT PETITION NO. 5135/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.

3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Anil Pandhurang Padole,
Aged about 57 years, Occupation-Service,
R/o. H/129, Nandanvand Venkateshnagar, Nagpur.
Tahsil and District Nagpur.

RESPONDENT

WITH

WRIT PETITION NO. 5139/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Sanjay Krushnara Sontakke,
Aged about 56 years, Occ.Service (lectrical Head
Constable), R/o. Maa Bhagwatinagar, Hudkeshwar,
Nagpur. Tahsil and District Nagpur.

RESPONDENT

WITH

WRIT PETITION NO. 5140/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Deepak Namdeoji Malame,
Aged about 55 years, Occ-Service,
R/o. Plot No.92, Lokseva Nagar, Trimurti, Nagpur.
Tahsil and District Nagpur.

RESPONDENT

WITH
WRIT PETITION NO. 5141/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Udhav Laxmanrao Sapre,
Aged about 63 years, Occ-Retired,
R/o. Arogya Coloney, Rahatgaon,
Tahsil and District Amravati.

RESPONDENT

WITH
WRIT PETITION NO. 5142/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Anil Vishwanath Polkey,
Aged about 57 years, Occ-Service,
R/o. Plot No.30, Bajerjee Layout, Bhagwan Nagar,
Nagpur. Tahsil and District Nagpur.

RESPONDENT

WITH

WRIT PETITION NO. 5143/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Sanjay Shankarrao Dabbadwar,
Aged about 52 years, Occ-Service,
R/ Superintendent of Police Wireless,
Gadchiroli, Tahsil and District Gadchiroli.

RESPONDENT

WITH

WRIT PETITION NO. 5144/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Ravindra Mahadeorao Paraye,
Aged about 58 years, Occ-Service,
R/o. O/o Police Wireless Inspector, Bhandara.

RESPONDENT

WITH

WRIT PETITION NO. 5145/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.

2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...VERSUS...

1. Jaysing Ade,
Aged about 67 years, Occ-Retired,
R/o Om Shivam Colony, Yavatmal.
Tahsil and District Yavatmal.
2. Jagdish Tukaram Sawant,
Aged about 62 years, Occ-Retired,
R/o A-701, Chandresh Udyan, Lodha Heritage,
Dombiwali (East), Thane.
3. Manik Ramchandra Gujar,
Aged about 66 years, Occ-Retired,
R/o 147/3/3, Garmal, Gali No.A-17, Dhayari, Pune.
4. Narhari Krishnarao Pujari,
Aged about 60 years, Occ-Retired,
R/o. Asawari, H-1801, Nanded City,
Sinhagad Road, Pune.
5. Pandurang Irbaji Taru,
Aged about 56 years, Occ-Service
R/o O/o Superintendent of Police,
Parbhani, Tahsil and District Parbhani.
6. Suresh Narayan Marathe,
Aged about 70 years, Occ-Retired,
R/o Sakshi Garments, Guruwarpeth,
Ambejogayi, District Beed.
7. Pralhad Laxman Wani,
Aged about 67 years, Occ-Retired,
R/o. Get No.11, Plot No.27, Behind Hotel Radhika,
Dhanshree Nagar, Nimkhedi Shivar, Jalgaon,
Tahsil and District Jalgaon.
8. Khaja Md. Baderuddin Chishti,
Aged about 69 years, Occ-Retired,
R/o Plot No.134, Near Kaleem Kirana Store, Arif
Colony, Aurangabad, Tah. and Dist. Aurangabad.

9. Jsingh Padamsingh Hajari,
Aged about 62 years, Occ-Retired (PSI Wireless),
R/o Shree Padamji Harshvardhan Colony,
Nimkheda Shivar-Jalgaon.
10. Subhash Ravikant Magare,
Aged about 63 years, Occ-Retired,
R/o Plot No.134, Near Kaleem Kirana Store, Arif
Colony, Aurangabad, Tah. and Dist. Aurangabad.
11. Gokul Gangaram Patil,
Aged about 61 years, Occ-Retired (PSI Wireless),
R/o Shrinivas Plot No.8, Lalbhadrur Housing Society,
Latur, Tahsil and District Latur.
12. Mukttaji Maruti Copade,
Aged about 61 years, Occ-Retired,
R/o. 345, Mahada Colony, N-9, CIDCO,
Aurangabad, Tahsil and District Aurangabad.

RESPONDENTS

WITH
WRIT PETITION NO. 5146/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

1. Narendra Kewalramji Darde,
Aged about Adult, Occ-Service,
R/o Nagpur. Tahsil and District Nagpur.
2. Vinod Narayan Ghante,
Aged about 63 years, Occ-Service,
R/o At Post Solapur, Tahsil and District Solapur.
3. Gunratna Suryabhanji Taksande,
Aged about 63 years, Occ-Service,
R/o. 7/11, Ganesh Nagar,
Surabhi Building, New Sangvi, Pune.

RESPONDENTS

WITH
WRIT PETITION NO. 5147/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Sagar Shankar Waghmare,
Aged about 56 years, Occ-Service,
R/o. Plot No.57-B, Kailash Nagar, Nagpur,
Tahsil and District Nagpur.

RESPONDENT

WITH
WRIT PETITION NO. 5148/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Sanjay s/o Balaji Salpekar,
Aged 62 years, Occ-Retired,
Near Hanuman Mandir, Moti Nagar,
Google Galli, Amravati.

RESPONDENT

WITH
WRIT PETITION NO. 5149/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.

2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Dilip Manohar Charde,
Aged 60 years, R/o. Shivarpan Nagar, Arjun
Apartment, Nalwadi, Nagpur Road, Wardha.

RESPONDENT

WITH

WRIT PETITION NO. 5150/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

1. Avinash Silas Landge,
Aged 68 year, Occ-Retired,
R/o. Ekdant Apartment, C-203, Near Ganesh Nagari
Apartment, Pump, Koradi Road, Nagpur.
2. Ramdas Balwant Bhusari,
Aged 62 years, Occ-Retired
R/o. Sanjivani Hospital, Nilajgaon Phata, Bidkin,
Tahsil Paithan, District Aurangabad.

RESPONDENTS

WITH

WRIT PETITION NO. 5151/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.

4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

1. Vinod Wamanrao Gede,
Aged 63 years, Occ-Retired,
R/o Plot No.54, Mahanubhav Nagar, Near Palloti
School, Gorewada Ring Road, Nagpur-13.
2. Suresh Balkrishna Wanjari,
Aged 63 years, Occu-Retired,
R/o 19, Dhanvantari Nagar, Ramna Maroti Road,
Near Ohm Automobile, Nagpur-24.
3. Wasudeo Ukandrao Nathile,
Aged 70 years, Occ-Retired,
R/o 43 Yashodnagar, Phase-II, Jaitala Road, Nagpur.
4. Yuwraj Dashrath Manapure,
Aged 65 years, Occ-Retired,
R/o 49, Maheshnagar, Near Anantnagar, Katol Road,
Nagpur.
5. Shivratan Shrikrishan Trivedi (Dead)
through his legal representatives.
- 5A. Sushila wd/o Shivratan Trivedi,
Aged about 68 years, Occ-Housewife.
- 5B. Sanjay s/o Shivratan Trivedi,
Aged about 48 years, Occ.
- 5C. Sunil S/o Shivratan Trivedi,
Aged about 45 years, Occ.
- 5D. Savita w/o Shivkumar Dube,
Aged about 49 years, Occ.

All R/o. Vanktesh Nagar, Aasana Road,
Shegaon, Tahsil Shegaon, District Buldhana.
6. Hariram Dhekal Harode,
Aged about 70 years, Occ-Retired.
R/o At Post-Tarsa, Tal.Mouda, District Nagpur.
7. Vilas Rajaram Rewatkar,
Aged 59 years, Occ-Retired,
R/o 9 Rajapeth, Shwar Road, Pipla, Nagpur.
8. Baban Shamrao Ambarkar,
Aged 68 years, Occ-Retired,

- R/o Plot No.41/A, Mire Layout,
Near Petrol Pump, Nandanvan Road,
Bhande Plot Chowk, Nagpur.
9. Gajanan Vittalrao Awadhut,
Aged about 58 years, Occ-Retired,
R/o 30 Dhokane Layout, Ayodhya Nagar, Nagpur.
 10. Maruti Nattuji Ninave,
Aged about 73 years, Occ-Retired,
R/o 11/2, Satbhavna Nagar, Near Omkar Nagar,
Manewada, Nagpur.
 11. Ranjit Bapuraoji Badar,
Aged 59 years, Occ-Retired, R/o 21,
Sudarshan Nagar, Hudkeshwar Naka, Nagpur.
 12. Bhanudas Raibhanji Gulhane,
Aged 72 years, Occ-Retired, R/o Diraj Tawar,
G-1, Tambakhe Layout, Jagat Mandir Road,
Umarsara, Yavatmal.
 13. Bhumika wd/o Dipakrao Dupare,
Aged about 68 years, Occ-Household.
 - 13A. Abhishek s/o Dipak Dupare,
Aged about 30 years, Occ-Business.
Both R/o 131, Banerjee Layout, Bhagwan Nagar, Nagpur.
 14. Suryakant Vitthalrao Mudholkar,
Aged about 59 years, Occ-Retired,
R/o. Behind Rajvilas Theatre, Mahal, Nagpur.
 15. Rajni Ramkrishna Shahare W/o
Ramkrishna Kashinath Shahare,
Aged about 60 years, Occ-Retired,
R/o 26, Gadgebaba Nagar, Behind Jyoti School,
Hastaniwas Nagpur.
 16. Balakdas Maroti Kotangale,
Aged 64 years, Occupation-Retired,
Mangal Pande Ward (Ramabai Ambedkar Ward),
Kesalkar Floor, Bhandara.
 17. Ramdas Chirkutji Yelke,
Aged 66 years, Occ-Retired,
R/o 15, Dwarkapuri Nagar, Layout Road,
Wadgaon, Yavatmal-445 0001.
 18. Prabhakar Vinayakrao Patil,
Aged 66 years, Occ-Retired,

R/o.54 Niwara Housing Behind Shrikrushna
Godhani Road, Zingabai Takli, Nagpur.

19. Rameshprasad Ramnarayan Malviya,
Aged about 75 years, Retired,
R/o Flat No.304, Shiwahight,
Adarsha Colony, Trimurtinagar, Nagpur.
20. Nepalchandra Dashrathji Manapure,
Aged about 68 years, Occ-Retired,
1 Swagatnagar, Opp. Anant Nagar,
Police Line Takli, Nagpur-440 013.

RESPONDENTS

WITH
WRIT PETITION NO. 5152/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

1. Ravindra Krushnarao Pinjarkar,
Aged 62 years, Occ-Retired,
R/o Siddhivinayak Colony, Kathora Road,
Amravati, Tah. and Dist. Amravati.
2. Vasant Chaitram Saindane,
Aged about 55 years, Occ: Service,
R/o Saptashrunji Nagar, Old Sailkheda Road, Nashik.
3. Rajendra Shripati Chavan,
Aged about 55 years, Occ-Service. R/o Karange
Nagar, Fulewadi Post Office, Kolhapur.
4. Eknath Keshao Pawar,
Aged about 54 years, Occ: Service, R/o Nandakin
Building Ravalpada, Dahisar (E), Mumbai.
5. Prakash Bhaskar Hardikar,
Aged about 57 years, Occ: Service,

- R/o C-044 Varbhar Parle,
Vayale Nagar, Khadpada, Kalyan(W).
6. Suryakant Vithalrao Kadam,
Aged about 58 years, Occ. Retired.
R/o. Bhausahab Kalate Nagar-2, Wakad, Pune-57.
 7. Digambar Namdo Hirve,
Aged about 58 years, Occ :Retired,
R/o Bora Happy Home, Aundh, Pune.
 8. Bhaskar Satva Ingle,
Aged about 54 years, occ: Service,
R/o D-103, Police Vasahat, LBS Road, Ghatkopar (W),
 9. Vijay Babu Bhosale,
Aged about 54 years, Occ: Service,
R/o B-406, Rachana Appts. Bhandup (E), Mumbai-42.
 10. Rajendra Narayan Sonawane,
Aged about 55 years, Occ. Service,
R/o Plot No.35, Nivritti Nagar, Jalgaon.
 11. Dasharth Bahiru Inchanalkar,
Aged about 56 years, Occ: Service,
R/o Sai Shardha Residency, Ramanand
Nagar, Kolhapur.
 12. Vilas Kaluram Gangawane,
Aged about 56 years, Occ: Service,
R/o Pune, Tahsil and District Pune.
 13. Prakash Ratnakant Pise,
Aged about 55 years, Occ: Service,
R/o Flat No.602, Coral Apts, Shivaji Peth, Kolhapur.
 14. Yuvraj Eknath Koli,
Aged about 58 years, Occ: Retired,
R/o Sidhachal Apts., Gajanan Nagar,
Kulgaon, Badlapur, District Thane.
 15. Ghanshyamn Ravikant Magare,
Aged about 60 years, Occ: Retired,
R/o. Suyog Colony, Mohindale Shivar,
Sakari Road, Dhule.
 16. Vijay Himmatlal Lalwani,
Aged about 55 years, Occ: Service,
R/o Shri Parshwan Nagar, Pune.
 17. Sharad Mukundrao Desai,
Aged about 56 years, Occ: Service,
R/o. Latur Vidnyannagar, Sawali Road,
Miraj, District Sangli.

18. Shivaji Babasaheb Mane,
Aged about 58 years, Occ: Service,
R/C Wing Room No.804, Police Officer Quarter,
Ghatkopar, Mumbai.
19. Prafulla Gopal Kurde,
Aged about 55 years, Occ: Retired,
R/o Sandhyanager, Someshwar Wadi, Pashan Pune.
20. Dnyaneshwar Dattaray Mandhare,
Aged about 67 years, Occ: Retired.
R/o Maharushi Nagar, Pune.
21. Vishwanath Dattram Bhogale,
Aged about 55 years, Occ: Service,
R/102-A, Jaibhawani Co-op. Housing Society,
Jogeshwari (E), Mumbai.
22. Sunil Janardhan Trimbake,
Aged about 57 year, Occ: Service,
R/o K-703, Yashraj Green Castle Buld.,
Hadapsar, Pune.
23. Santosh Balakrushna Tikone,
Aged about 55 years, Occ: Service,
R/o 403-Shivam Apts., Left Bhusari Colony,
Kothrud, Pune.
24. Ganeshprasad Raghunathprasad Tiwari,
Aged about 59 years, Occ. Retired,
R/o. Satara Primises, Aurangabad.
Tah. and Dist. Aurangabad.
25. Ashok Ramdas Bairagi,
Aged about 64 years, Occ: Retired,
R/o Onkar Apts., Near Hindustan Bakery,
Balewadi, Pune.
26. Vijay Gangaram Barathe,
Aged about 63 years, Occ: Retired, R/o House No.2017,
Behind Shivaji Putala, Dapodi, Pune.
27. Suresh Sadashiv Patil,
Aged about 60 years, Occ: Retired,
R/o Plot No.22, Indranil Society, Pinprol Jalgaon,
Tahsil and District Jalgaon.

RESPONDENTS**WITH****WRIT PETITION NO. 5153/2021**

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.

2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Anil Madhukar Tayade ,
Aged about 57 years, Occ. Service,
R/o Sapuda Government Quarters, Palaswadi Camp,
Yavatmal, Tah. and Dist. Yavatmal.

RESPONDENT

WITH

WRIT PETITION NO. 5154/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Pritam Mahadeo Sakhare
Aged about 55 years, Occ. Service (Radio Machutnic),
R/o. Laxminarayan Colony, Pulchurtola,
Gondia, Tahsil and District Gondia.

RESPONDENT

WITH

WRIT PETITION NO. 5155/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Vinod Madhukarrao Deshpande,
Aged about 57 years, Occ. Service, R/o Mohannagar,
Sadar, Nagpur. Tah. and Dist. Nagpur.

RESPONDENT

WITH

WRIT PETITION NO. 5156/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Narendra Krushnarao Sahare,
Aged about 54 years, Occ. Service,
R/O/o Saroncha, Tah. and Dis. Gadchiroli.

RESPONDENT

WITH

WRIT PETITION NO. 5158/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Wasudeo Mahadeorao Khopade,
Aged about 59 years, Occ. Service,
R/o Unnatinagar, Kaulkhed, Akola.
Tah. and Dist. Akola.

RESPONDENT

WITH

WRIT PETITION NO. 5159/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Mukteshwar Tukaram Wani,
Aged about 71 years, Occ. Pensioner,
R/o New Subhedar Layout, Thaware Colony,
Plot No.22, Ayodhya Nagar, Nagpur.

RESPONDENT

WITH

WRIT PETITION NO. 5160/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Pandurang Bhaurao Wankhade,
Aged about 67 years, Occ-Retired,
R/o Bhagaysree Colony, Rangoli Lawn,
Kathora Naka, Amravati, Tah. and Dist. Amravati.

RESPONDENT

WITH

WRIT PETITION NO. 5161/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.

4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Dilip Bhagwantrao Kapile
Aged about 61 years, Occ-Service (PSI-Wireless)
R/o House No.27, Yogashema Colony, Sushil
Nagar Road, Amravati, Tah. and Dist. Amravati.

RESPONDENT

WITH
WRIT PETITION NO. 5162/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

...V E R S U S...

Dnyaneshwar Haribhau Ittadwar,
Aged about 56 years, Occ. Service,
R/o Tina Aparts, Shila Nagar, Katol Road, Nagpur.
Tah. and Dist. Nagpur.

RESPONDENT

WITH
WRIT PETITION NO. 5163/2021

1. The State of Maharashtra, through its Secretary,
Home Department, Mantralay, Mumbai-32.
2. The Director General of Police (M.S.)
Hutatma Chowk, Near Regal Cinema, Mumbai.
3. The Additional Director of Police,
Wireless Office, Pashan Road, Pune-5.
4. The Superintendent of Police,
Gadchiroli, Taluka and District Gadchiroli.

PETITIONERS

..V E R S U S..

Kishore Laxman Muneshwar,
Aged about 56 years, Occ- Service,
R/o Pannase Layout, Sonegaon, Nagpur.

RESPONDENT

Ms N.P. Mehta, Assistant Government Pleader for the petitioners.
Shri N.B. Kalwaghe, counsel for the respondents in W.P. Nos.5031/2021 and
5034/2021.

Shri S.P. Palshikar, counsel for the respondents in W.P. Nos.5148/2021,
5149/2021, 5150/2021 and 5151/2021.

Shri P.M. Mandwekar, counsel for the respondent in W.P. No.5159/2021.
Shri A.B. Patil, counsel for the respondents in all remaining writ petitions.

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.

DATE : 25TH JANUARY, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith. Since the common judgment of the Maharashtra Administrative Tribunal dated 24.12.2020 passed in Original Application No. 274/2020 with other connected original applications is in challenge in these writ petitions, they have been heard together and are being decided by this common judgment.

2. The facts relevant are that the respondent/s in each writ petition was appointed as Assistant Sub-Inspector in the Wireless Section of the Police Department. It is their case that since they have rendered satisfactory service, they were entitled to the benefit of time bound promotion as per Government Resolution dated 08.06.1995 and the benefit of Assured Career Progressive Scheme as per Government Resolution dated 20.07.2001. This policy was further continued by

Government Resolution dated 01.04.2010. Thus having put in continuous service of twelve years, they were entitled to such benefits. Since such benefits were not granted, they approached the Maharashtra Administrative Tribunal by filing aforesaid original applications.

3. The Maharashtra Administrative Tribunal by its judgment dated 24.12.2020 found that the issue with regard to grant of benefit of time bound promotion to the members of the Wireless Section of the Police Department stood concluded in view of the judgment of the Division Bench of this Court at Aurangabad in ***Mukund Shankarlal Daima vs. State of Maharashtra and others*** in Writ Petition No.3643/2009 decided on 21.11.2017. That order having been accepted by the Department and as it was found that the applicant in each original application was similarly situated, the Tribunal allowed all the original applications and directed grant of benefit in the matter of time bound promotion and Assured Career Progressive Scheme on completion of age of 45 years without insisting for clearing the requisite examination. Being aggrieved, the State of Maharashtra has filed the present writ petitions.

4. Ms. N. P. Mehta, learned Assistant Government Pleader for the petitioners reiterated the same submissions that were canvassed on behalf of the State in the original applications before the Maharashtra Administrative Tribunal. Inviting attention to the Government Resolutions

dated 08.06.1995, 20.07.2001 and 01.04.2010, it was urged that unless each respondent appeared and thereafter cleared the departmental examination, he was not entitled for the benefit of time bound promotion. Inviting attention to Corrections Slip no.145 thereby amending Rule 59 A of the Recruitment Rules, it was submitted that the necessity of passing the requisite examination while seeking promotion had not been done away with. In the light of the aforesaid position on record none of the respondents were entitled to any relief whatsoever. Attention was also invited to another judgment of the Tribunal dated 05.11.2009 that was passed in Original Applications Nos. 844 and 845 of 2008 wherein a similar prayer as made in the present proceedings had been refused. The order of the Tribunal passed therein had been confirmed by this Court with the dismissal of Writ Petition No.17/2011 on 14.01.2011. However, without considering these aspects relief came to be granted by this Court in the case of *Mukund Shankarlal Daima* (supra) which view was thereafter adopted by the Tribunal in the impugned judgment.

It was further submitted that there was considerable delay on the part of each respondent in approaching the Tribunal for relief. Most of the respondents had retired from service and it was only after noting that some colleagues in the Wireless Section of the Police Department had been granted relief that the said respondents approached the Tribunal. Though the aspect of delay was specifically raised before the Tribunal, the same was not considered in its proper perspective. On this count also it was

urged that the common judgment of the Tribunal was liable to be set aside.

5. On the other hand S/Shri A.B.Patil, N.B.Kalwaghe, S.P. Palshikar and P.M.Mandwekar, learned counsel for the respondents supported the impugned judgment. It was submitted that the aforesaid contentions now raised on behalf of the State were also raised before the Tribunal which had not accepted the same for valid reasons. It was undisputed that the judgment of the Division Bench in *Mukund Shankarlal Daima* (supra) had attained finality and the petitioner therein had been granted benefit of time of bound promotion. Similar was the case with regard to the applicants in Original Application No.422/2016 with other applications that were decided by the Tribunal on 18.09.2019. The said applicants also had been granted benefit of that adjudication. Since such adjudication was one in *rem* it was the duty of the State to implement the aforesaid decision and grant benefit to all members of the Wireless Sections of the Police Department. Placing reliance on the decision in *State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and others* [(2015) 1 SCC 347] it was submitted that it was the duty of the State itself to extend the benefit of time bound promotion to those who were similarly situated notwithstanding the fact that they had not approached the Tribunal. Instead, the plea of bar of limitation was being raised by the State for no justifiable reason. The learned counsel also referred to the

Circular dated 28.02.2017 issued by the General Administration Department of the State to indicate that all similarly situated employees were entitled to such relief. It was thus submitted that each respondent being similarly situated with those who were granted relief in the earlier proceedings, the writ petitions were liable to be dismissed.

6. We have heard the learned counsel for the parties and we have perused the documents placed on record. After giving due consideration to the rival submissions, we are satisfied that the order passed by the Maharashtra Administrative Tribunal does not call for any interference and the writ petitions are liable to be dismissed.

The facts stated above are undisputed. While the State insists upon the concerned employees to pass the departmental examination for being entitled to benefit of time bound promotion, the employees contend that they are entitled to be treated similarly as employees of other departments are treated where passing of the said requisite examination is not mandatory for being granted the relief of time bound promotion. This aspect has been considered in detail by the Division Bench in *Mukund Shankarlal Daima* (supra). In paragraphs 17 and 18, it has been observed as under:

17. *It has been argued on behalf of the petitioner, even in the Police department, save Wireless section, the General Administration Department's directions and instructions have been applied and quite a few persons have been given promotions who have attained age of 45 years*

without requiring them to pass departmental examination for promotion. This particular aspect has not been met with by any counter argument on behalf of the respondent. Further, benefit of promotions appears to have been given to quite a few departments of the Government including Engineering department, as referred to above without there being suitable amendments to promotional rules. Thus, it appears that so far as Wireless section of Police department is concerned, the authorities are taking a rather hyper-technical view under the plea that as the rules have not yet undergone amendment pursuant to the instructions issued thus far.

18. *In the circumstances, we consider it expedient to follow suit in the decision given by Division Bench in Writ Petitions no. 6212 of 2011 and other companion matters. Having regard to observations therein, that decision of General Administration Department of Government would be binding on all departments of the State and a department of Government would not be permitted to take a different stand as it appears only 'Wireless Section' of Police Department has not been extended the benefit."*

Perusal of the aforesaid observations clearly indicate that even in the Police Department, the directions issued by the General Administration Department in the matter of grant of time bound promotion had been followed except the Wireless Section. The Court therefore held that the decision of the General Administration Department would be binding on all departments and it would not be permissible for the Police Department to take a different stand with regard to the Wireless Section. It is not dispute that this judgment of the High Court has attained finality. The State has not challenged the same before the Hon'ble Supreme Court. It is further informed that the petitioner therein has been granted necessary

benefit of time bound promotion.

Similar is the case with regard to the adjudication of Original Application No.422/2016 and connected applications. The Tribunal followed the decision of this Court in *Mukund Shankarlal Daima* (supra) and granted relief to the applicants therein. The State Government has accepted this decision and has thereafter on 17.06.2020 granted necessary benefit of time bound promotion to the applicants therein. In other words, the employees of the Wireless Section of the Police Department who had approached the Tribunal or this Court have been extended benefit of time bound promotion by not requiring them to pass the requisite examination.

7. The learned counsel for the respondents are justified in relying upon the decision in *Arvind Kumar Srivastava* (supra). Paragraph 22.3 thereof reads as under:

“22.3. However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated persons. Such a situation can occur when the subject-matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see K.C. Sharma v. Union of India). On the other hand, if the judgment of the court was in personam holding that benefit of the said judgment shall accrue to the parties before the court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get

the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence”.

The aforesaid observations clearly apply to the present facts inasmuch as the earlier adjudication in *Mukund Shankarlal Daima* (supra) was one in *rem* and not in *personam*. It was thus the duty of the State to extend the benefit of time bound promotion to all members of the Wireless Section of the Police Department without insisting for specific orders in that regard from the Court. The aforesaid observations also take care of the submission that the claims made before the Tribunal were barred by limitation. It has been rightly observed by the Tribunal that as a model employer the State ought to have extended such benefit to all members of the Wireless Section of the Police Department. Having failed to do so, the State cannot be permitted to raise a grievance regarding bar of limitation in these cases. Admittedly, the State has granted benefit to the employees who approached the Court and there is no reason to exclude the petitioners who are similarly situated. We therefore find that the aspect of limitation would not result in denying the respondents the benefit of time bound promotion.

8. For aforesaid reasons, we find that there is no case made out to interfere in writ jurisdiction. The Maharashtra Administrative Tribunal has followed the earlier judgments of this Court while allowing the

original applications. In that view of the matter the writ petitions stand dismissed. Rule stands discharged with no order as to costs.

(SMT. M.S. JAWALKAR, J.)

(A.S. CHANDURKAR, J.)

Andurkar..