

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 471 OF 2022

DISTRICT : DHULE

Shri Jayant s/o Shivaram Bhamare,)
Age : 63 years, Occu. : Rtr. Civil Engr. Assist.,)
R/o. At post Mehergaon Tq. & Dist. Dhule.)

.... **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Through the Principal Secretary,)
Water Resource Department,)
Madam Kama Road,)
Mantralaya, Mumbai-400032.)
2. **The Superintending Engineer,**)
Small Scale Irrigation (Water Conservation))
Circle, Trimbak Road Bhavani Chowk,)
Tq. Dist. : Nashik-422002.)
3. **The Executive Engineer,**)
Small Scale Irrigation (Water Conservation))
Division, Sinchan Bhavan, Sakri Road,)
Tq. Dist. Dhule-424001.)

... **RESPONDENTS**

APPEARANCE : Smt. Sanjivani A. Ghate-Deshmukh, Counsel
for Applicant.

: Shri D.M. Hange, Presenting Officer for
respondent authorities.

CORAM : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

DATE : **02.04.2024**

ORAL - ORDER

1. Heard Smt. Sanjivani A. Ghate-Deshmukh, learned counsel appearing for the applicant and Shri D.M. Hange, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of with the consent of both the parties at the admission stage itself.

3. Learned counsel for the applicant on instructions from the applicant submits that the purpose of filing of the present Original Application would be served if the respondent No. 1 is directed to decide the representation and recommendation sent by respondent No. 2, which is still pending before the respondent No. 1 from 13.06.2014. Learned counsel for the applicant submits that the applicant is entitled to get the benefits of higher post i.e. Muster Clerk in view of the G.R. dated 29.09.2003 and therefore, it is necessary to direct the respondents to pay all the consequential benefits with arrears from the date of G.R. i.e. 29.09.2003 to the applicant. In this context, the respondent No. 2 has submitted proposal to respondent No. 1 way back in the year 2014, which is still pending.

4. In compliance with the order dated 01.03.2024 passed by this Tribunal, learned Presenting Officer has taken instructions from the respondent authorities. Learned P.O. submits that it is not clear from the said instructions received in writing as to whether the said representation dated 13.06.2014 is still pending or not. However, the copy of the said representation dated 13.06.2024 is received along with the instructions in writing and it appears that the respondent No. 2 has submitted the proposal to respondent No. 1 on 13.06.2014. Learned P.O. submits that in case if the respondent No. 1 is directed to decide the said representation, he may be directed to decide the said representation on its own merits.

5. It appears that the recommendatory communication made by respondent No. 2 to respondent No. 1 dated 13.06.2014 is still pending with the respondent No. 1. In view of the same, the present Original Application can be disposed of by directing the respondent No. 1 to decide the said representation dated 13.06.2014 in time bound manner on its own merits. It is needless to say that in case of any adverse order passed on the said representation, the applicant is always at liberty to approach this Tribunal. Hence, the following order :-

ORDER

- (i) The Original Application is hereby partly allowed.
- (ii) The respondent No. 1 is hereby directed to decide the proposal submitted by respondent No. 2 to respondent No. 1 dated 13.06.2014, if it is not decided so far along with the representation of the applicant dated 03.10.2013, as expeditiously as possible and preferably within a period of four months from the date of this order.
- (iii) In the event if any adverse order is passed against the applicant, the applicant would be at liberty to approach this Tribunal.
- (iv) The Original Application accordingly disposed of. No order as to costs.

PLACE : Aurangabad.

DATE : 02.04.2024

(Justice V.K. Jadhav)

Member (J)

KPB S.B. O.A. No. 471 of 2022 VKJ Benefits of G.R.