

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 63 OF 2016

DISTRICT : MUMBAI

Shri Amit Babu Bansode,)
Occ : Nil, R/at 205/7, Vatsalabi Chawl,)
Ganesh Baug Lane, Near Kurla Police Stn.)
Kurla [W], Mumbai 400 070.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
General Administration Department)
Mantralaya, Mumbai 400032.)
2. The M.P.S.C,)
Through its Chairman,)
5th floor, Bank of India Bldg,)
M.G Road, Mumbai 400 001.)...**Respondents**

Heard Shri K.S Jadhav i/b Shri R.G Panchal, learned advocate for the applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

**CORAM : Justice Mridula Bhatkar (Chairperson)
Mrs Medha Gadgil (Member) (A)**

DATE : 07.07.2022

PER : Mrs Medha Gadgil (Member) (A)

J U D G M E N T

1. The applicant, who is working on daily wages in the office of Respondent no. 2, M.P.S.C, challenges the order dated 11.2.2015 and further direct the Respondents to consider his case for regularization of his services.

2. The applicant was initially appointed on 17.5.1995 on daily wages and he was called as and when he was required to work, even for short period, including 3 to 4 days a month. Learned counsel for the applicant states that he has made several representations addressed to the Respondent no. 2, M.P.S.C as well as Hon'ble Minister and His Excellency The Governor and hence there is no delay in filing this Original Application, which was filed on 13.1.2016.

3. Learned counsel states that the applicant's representation was rejected by Respondent no. 2 on 11.12.2015.

4. Learned P.O pointed out on the point of limitation that his representation was rejected on 21.5.2005 when the Department clearly stated that his services could not be regularized as there was no rule for the same. Moreover, she stated that the cause of action arose long back in the year 2005. Learned P.O relied on the affidavit in reply dated 4.3.2016 of Shri K.S Khadke, Under Secretary, in the office of M.P.S.C, Mumbai, wherein it is stated that it is evident from the Certificates dated 13.11.1997 and 26.7.2004 that in the month of May, 1995 he worked for only 11 days, in the month of September, 1996, he worked only for 4 days, in the month of April, he worked for 9 days and so on. Thus, his

services cannot be counted as continuous service for the purpose of regularization.

5. Further, it is stated that the applicant was not appointed against a regular vacancy and he was only paid an honorarium on daily wages basis, which was fixed by the Commission from time to time.

6. In view of the above, we find no merit in the Original Application and the same is dismissed.

SD/-

**(Medha Gadgil)
Member (A)**

SD/-

**(Mridula Bhatkar, J.)
Chairperson**

Place : Mumbai

Date : 07.07.2022

Dictation taken by : A.K. Nair.