

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 783 of 2022 (S.B.)

Jyotiram Mansingh Rathod,
age about 59 years, Occupation: retired Talathi,
r/o. Ganeshpur, Post Shendri,
Tq.Darwha, Dist.Yavatmal

Applicant.

Versus

- 1) The State of Maharashtra,
through its Additional Chief Secretary,
Ministry of Revenue and Forest Department,
Mantralaya, Mumbai-32.
- 2) The Divisional Commissioner,
Amravati Division, Amravati.
- 3) The Collector, Yavatmal.
- 4) Sub Divisional Officer,
Darwha, Dist: Yavatmal.
- 5) Tahsildar,
Ner, District Yavatmal.
- 6) The Executive Engineer,
Public Work Department, Yavatmal.

Respondents.

Shri A.R. Chavhan, Advocate for the applicant.
Shri S.A. Sainis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 20/06/2023.

JUDGMENT

Heard Shri A.R. Chavhan, learned counsel for the
applicant and Shri S.A. Sainis, learned P.O. for the respondents.

3. The learned P.O. has filed reply of respondent nos.2 and 3. It is taken on record.

2. The matter is admitted, heard and decided finally with the consent of learned counsel for both the parties.

4. This matter is covered by the Judgment of Hon'ble Supreme Court in the case of **Shaikh Miya S/o Shaikh Chand etc. Vs. State of Maharashtra** in Civil Appeal No.6531-6533/2022 (Arising out of SLP (C) Nos.6039-6041/2016), decided on 07/09/2022.

5. The case of the applicant in short is as under –

The applicant was initially appointed on the post of Mustering Assistant on 25/10/1982. The Government of Maharashtra extended the benefit of regular pay scale of Rs.750-940 to the Mustering Assistant as per the G.R. dated 07/01/1993. The applicant was brought on regular scale of Rs. 750-940 w.e.f. 01/10/1988. The applicant was absorbed in regular service on the post of Talathi on 23/04/2001. As per the order dated 24/08/2020, the applicant was declared permanent Government employee. On 01/06/2021, he was given benefit of time bound promotion. The applicant came to be retired after attaining the age of superannuation on 31/10/2021. The service of the applicant is short to grant pension and therefore he

approached to this Tribunal to count his service from the date of his initial appointment as a Mustering Assistant.

6. The learned counsel for applicant has pointed out the Judgment of the Hon'ble Bombay High Court, Bench at Aurangabad in case of **the State of Maharashtra & Ors. Vs. Uttam S/o Narayan Vendait** in Writ Petition No.8468/2015, decided on 16/12/2015. The Hon'ble Bombay High Court, Bench at Aurangabad has held that for the purpose of extending benefit of pension to the Mustering Assistant, the service from the date of initial engagement on the post of Mustering Assistant shall be counted.

7. The learned P.O. has pointed out the recent Judgment of Hon'ble Supreme Court in the case of **Shaikh Miya S/o Shaikh Chand etc. Vs. State of Maharashtra** in Civil Appeal No.6531-6533/2022 (Arising out of SLP (C) Nos.6039-6041/2016), decided on 07/09/2022. The Hon'ble Supreme Court has held that the services of Mustering Assistant shall be counted from 31/03/1997 for the purposes of pensionary benefits. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) It is held that the applicant is in regular service from 31/03/1997. The respondents are directed to pay all the benefits treating his

regular service from 31/03/1997 and accordingly the service benefit shall be given to him within a period of three months.

(iii) No order as to costs.

Dated :- 20/06/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 20/06/2023.