

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 06 of 2022 (S.B.)

Dhanraj Parsuji Patil,
Age 48 years, Occ: Service,
R/o Netaji Ward, Nandardhane Layout,
Bazar Chowk, Paoni, District: Bhandara.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Urban Development,
Mantralaya, Mumbai-440 032.
- 2) Commissioner/Director,
Municipal Council, Administration Directorate,
Govt. Transport Service Building, 3rd Floor,
arpochkhanawala Road, Worli, Mumbai.
- 3) Collector, Bhandara.
- 4) Collector, Nagpur.
- 5) Municipal Council, Pauni, District: Bhandara,
Through its Chief Officer.
- 6) Municipal Council, Umred, District: Nagpur,
Through its Chief Officer.

Respondents.

Shri N.S. Warulkar, Advocate for the applicant.
Shri A.M. Khadatkhar, P.O. for respondent nos. 1 to 4.
S/Shri M.I. Dhattrak, S.A. Sahu, Adv. for respondent no.5.
None for respondent no.6.

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

Dated :- 13/03/2024.

J U D G M E N T

Heard Shri N.S. Warulkar, learned counsel for applicant,
Shri A.M. Khadatkhar, learned P.O. for respondent nos.1 to 4, Shri S.A.

Sahu, learned counsel for respondent no.5 and none for respondent no.6.

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

The applicant was appointed in the Municipal council as a Surveyor through direct recruitment vide appointment order dated 13/12/1993 on the pay scale of Rs.950-20-1150-25-1500. Thereafter, the applicant was absorbed on the post of Tax and Administrative Officer as per the order dated 17/03/2011. The applicant worked as a Surveyor, thereafter as a Tax and Administrative Officer upto 2017. The applicant was transferred and posted at Municipal Council, Kanhan, Pipri where he worked from 01/06/2017 to 12/09/2021. At present the applicant is working as a Tax and Administrative Officer at Municipal Council, Umred w.e.f. 13/09/2019.

3. Since the date of appointment of applicant, he requested on several times to the concerned authorities to fix properly his pay scale which is applicable to the post of Surveyor in view of the earlier orders / G.Rs. Now as per the order dated 09/08/2019 passed by respondent no.2 it is clear that the applicant is entitled for the pay scale of Rs.4000-100-6000 as per 5th Pay Commission, for the pay scale of Rs.5200-20200 Grade Pay of Rs.2400/- as per 6th Pay Commission and the pay scale of Rs.25500-81100/- as per the 7th Pay Commission. Till date neither the respondents have taken into

consideration the representation of applicant nor they have corrected the anomaly. Hence, the applicant approached to this tribunal for the following reliefs –

“(8) (1) direct the respondents to consider the representation of applicant submitted on dated 23/08/2019 in the office of respondent no. 5, in view of the order dated 09/08/2019 passed by respondent no.2, in the interest of justice;

2) further be pleased to hold and declare that the applicant is entitled for the pay scale of Rs 4,000-100-6000/- as per 5th Pay Commission, for the pay scale of Rs. 5200-20200 Grade Pay 2400/- as per 6th Pay Commission and the pay scale of Rs. 25500- 81100/- as per 7th Pay Commission, in view of the order dated 09/08/2019 passed by respondent no.2 and further be pleased to direct the respondents correct the anomaly in the pay scale of applicant and grant him all other monetary benefits arising therefrom with interest, in the interest of justice.

4. The O.A. is opposed by the respondents. The respondent no.5 in reply has admitted in para-4 as under –

“4. It is further submitted that the respondent no. 5 has filed reply and shown their inability to grant the said pay scale as the appropriate authority to grant the pay scale as demanded by applicant is respondent no. 2 Commissioner/Director Municipal Council. That the respondent no. 5 has further contended that they passed a resolution and also sent a proposal for correcting anomaly in pay scale for the post for Surveyor which was initially hold by the applicant. That the said proposal is pending or decided by the respondent no. 2 is not cleared from the reply of the respondent no. 4 and 5, therefore to decide the real controversy involved in the matter the reply of respondent no. 2 requires.”

5. During the course of submission learned counsel for applicant Shri N.S. Warulkar has submitted that respondent no.5 has

submitted proposal, but till date respondent no.2 has not decided the same. Hence, prayed to give direction to respondent no.2 to decide the same. The learned counsel for applicant has pointed out the proposal dated 30/08/2006 (P-39) submitted by respondent no.5.

6. The learned counsel for the applicant has also submits that the applicant will again submit representation and specific direction be given to respondent no.2 to decide the pay scale of the applicant.

7. Looking to the submission, the following order is passed –

ORDER

(i) The O.A. is disposed of.

(ii) The respondent no.2 is directed to decide the representation of applicant dated 23/08/2019.

(iii) The applicant is at liberty to make fresh representation to respondent no.2 for fixation of proper pay and respondent no.2 is directed to decide the same within a period of three months from the date of receipt of representation of the applicant.

(iv) No order as to costs.

Dated :- 13/03/2024.

**(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 P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 13/03/2024.