

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 142/2019 (D.B.)

- 1) Chhatrapati Shankarrao Narsekar,
Aged about 62 years, Occ. Retired
R/o Ghatanji (Khapri), Tah. Ghatanji,
District Yavatmal.
- 2) Balak S/o Raoji Wankhade,
Aged about 61 years, Occ. Retired
R/o Wadgaon Jangal, Yavatmal,
Tah. and District Yavatmal.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Irrigation Department, Mantralaya, Mumbai-32.
- 2) Superintending Engineer,
Akola Irrigation Circle, Akola,
Tq. and District Akola.
- 3) The Executive Engineer,
Irrigation Division, Yavatmal,
Tq. & District Yavatmal.

Respondents.

S/Shri A.D. Girdekar, S.S. Bhalerao, Advocates for the applicants.
Shri A.M. Khadatkhar, P.O. for respondent.

**Coram :- Shri Shree Bhagwan,
Vice-Chairman and
Shri Anand Karanjkar, Member (J).**

Date of Reserving for Judgment : 3rd September, 2019.

Date of Pronouncement of Judgment : 2nd January, 2020.

JUDGMENT**Per : Anand Karanjkar : Member (J).****(Delivered on this 2nd day of January, 2020)**

Heard Shri A.D. Girdekar, learned counsel for the applicants and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. It is grievance of the applicants that benefit of G.R. dated 29th September,2003 is not given to them w.e.f. 29/09/2003. It is submitted that the respondents have given benefit of this G.R. to the applicants w.e.f. 18th August, 2008. It is submission of the applicants that this approach of the respondents is illegal.

3. The learned counsel for the applicants submitted that the same issue was raised in O.A.Nos.818/2012,564/2012,817/2012 and 816/2012 and the M.A.T. has given a Judgment that those applicants were entitled to the benefit of G.R. dated 29th September,2003 w,e,f, date of issuance of the G.R. In O.A. 175/2015 the M.A.T., Nagpur Bench also held that the applicants in that case were entitled for the benefit of G.R. dated 29th September,2003 from the date of G.R.

4. It is submitted by the applicants that no justification is shown by the respondents why benefit w.e.f. 29/9/2003 is not given to them, therefore, the action of the respondents giving benefit of the G.R. to the applicants w.e.f. 18/3/2008 is illegal.

5. The respondent no.3 resisted the application by filing reply which is at page no.60. It is submitted that in pursuance of G.R. dated 29th September,2003 the Assistant Superintending Engineer, Akola has issued order dated 18/8/2008 and granted the pay scale of the Wireless Machine Operator to the applicants. It is further submitted that benefit of G.R. dated 29th September,2003 is given to the applicants. It is submission of the respondents that the order dated 18/08/2008 passed by the Assistant Superintending Engineer, Akola is legal and there is no illegality in this order. We have perused the order dated 18/08/2008. In column no.6 it is mentioned that benefit of the order was given to the applicants w.e.f. 18/3/2008. After reading the decisions of the M.A.T., Nagpur Bench, it seems that this action of the respondents is illegal. Annex-A is the decision in O.A.818/2012 and Annex-A-6 is the decision in O.A. 175/2015. In similar situation in O.A. 175/2015 following decision is issued –

“(a) The O.A. is partly allowed.

(b) It is held that the applicants are entitled to the benefits of the scheme of ‘Post as per Work and Pay as per Post’ in terms of the G.R. dated 29/9/2003 from the date of G.R.

(c) The applicants will be entitled to receive the arrears in respect of the pay scale of Wireless Operator from 29/9/2003.”

6. After reading the reply submitted by the respondent no.3, it seems that merely because the applicants did not approach the

judicial forum, therefore, relief is not given to them. In our opinion as an model employer the respondents cannot raise such ground to defeat legitimate claim of the applicants. There is no dispute about the fact that the applicants were fulfilling the requirements under G.R. dated 29th September,2003, consequently, it was incumbent on the respondents to give benefit of the said G.R. to the applicants. In view of this, we do not see any merit in the contention raised by the respondents that the order dated 18/8/2008 passed by the Assistant Superintending Engineer, Irrigation Circle, Akola is legal. Hence, the following order –

ORDER

The O.A. stands allowed in terms of prayer clause no. 7
(i), (ii) & (iii). No order as to costs.

(Anand Karanjkar)
Member(J).

(Shree Bhagwan)
Vice-Chairman.

Dated :- 02/01/2020.

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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 V.C. and Member (J).

Judgment signed on : 02/01/2020.

Uploaded on : 03/01/2020.