

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 209 of 2023 (S.B.)**

Shriram Yeshwant Nipane,  
Aged 61 years, R/o.Kurud, Tahsil Wadsa,  
Distt.Gadchiroli.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Secretary (E.G.S.) Department of Planning,  
State of Maharashtra, Mantralaya, Mumbai-32.
- 2) The Collector, Gadchiroli.
- 3) District Superintendent, Agriculture Officer,  
Complex, Gadchiroli-442605

**Respondents.**

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**Shri N.R. Saboo, Advocate for the applicant.**  
**Shri V.A. Kulkarni, learned P.O. for respondents.**

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

**Dated :- 14/06/2023.**

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**JUDGMENT**

Heard Shri N.R. Saboo, learned counsel for the applicant  
and Shri V.A. Kulkarni, learned P.O. for respondents.

2. The learned P.O. has filed reply of respondent no.3. It is  
taken on record.

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

4. As per the submission of learned counsel for the applicant, 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 7/9/2022.

5. The applicant was working as a Mustering Assistant from 01/03/1984. He was terminated. The applicant challenged the said termination before the Labour Court in complaint ULP No.264/1992. As per the direction of the Labour Court, the applicant was reinstated and continued in service. The service of the applicant was not regularised, therefore, he approached to this Tribunal by filing O.A.No.219/2018. This Tribunal decided the said O.A. along with connected O.As., on 07/09/2019. The respondents / department were directed to give the benefit of the G.Rs. dated 01/12/1995 and 21/04/1999 and absorb the applicant in regular service without giving any monetary benefits. After the Judgment of this Tribunal, the respondents have absorbed the applicant in regular service on 05/07/2021.

6. The applicant came to be retired on 30/06/2022. The respondents have counted the service of applicant from the date of absorption i.e. from 05/07/2021, therefore, the applicant is not getting pension. Hence, the applicant has filed the present O.A.

7. The learned counsel for applicant has pointed out the Judgment of the Hon'ble Supreme Court in the case of **Shaikh Miya S/o Shaikh Chand etc. Vs. State of Maharashtra**, decided on 7/9/2022. The learned counsel for the applicant has submitted that the applicant is entitled to get his service regularised and entitled to pensionary benefits by treating his entry in service from 31/03/1997.

8. Heard Shri V.A. Kulkarni, learned P.O. for respondents. The Hon'ble Supreme Court in the case of **Shaikh Miya S/o Shaikh Chand etc. Vs. State of Maharashtra** has held that the services of all the Mustering Assistants shall be counted from 31/03/1997 for the purpose of pensionary benefits. The applicant was in service from 1984 as a Mustering Assistant. He was entitled to get absorb in regular service as per the G.Rs. of 1995 and 1999. The benefit of the said G.Rs. was not given, therefore, this Tribunal has directed the respondents to absorb the applicant in regular service. On 05/07/2021, he is absorbed in regular service, but his past service is not counted for the pensionary benefits. As per the Judgment of the Hon'ble Supreme Court in the case of **Shaikh Miya S/o Shaikh Chand etc. Vs. State of Maharashtra**, the service of the applicant from 31/03/1997 shall be counted for the purpose of pensionary benefits. Hence, the following order –

**ORDER**

- (i) The O.A. is disposed off.
- (ii) It is held that the applicant is entitled for pensionary benefits in accordance with law by treating his regular service from 31/03/1997. The pensionary benefits in that be released within a period of three months from today.
- (iii) No order as to costs.

**Dated** :- 14/06/2023.

dnk.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

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 : 11/01/2023.

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