

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 230 of 2022 (S.B.)

Pitambar S/o Ramdas Khobragade,
 Aged years, R/o Gondpipri,
 Distt.Chandrapur.

Applicant...

-- Versus --

- 1) The State of Maharashtra,
 through its Department of Agriculture,
 Mantralaya, Mumbai-32.
- 2) The Collector, Chandrapur.
- 3) Commissioner of Agriculture,
 Agri. Commissionerate, M.R.,
 3rd Floor, Central Admn. Bldg.,
 Maharashtra State, Pune-411001.
- 4) Divisional Joint Director of Agriculture,
 Nagpur Division, Nagpur.

Respondents.

Shri N.R. Saboo, Advocate for the applicant.

Shri V.A. Kulkarni, learned P.O. for respondents.

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

Dated :- 01/08/2023.

JUDGMENT

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

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

The applicant was engaged as a Mustering Assistant from 24/01/1985. The applicant was not absorbed in the regular service as per the G.Rs. dated 01/12/1995 and 21/04/1999, therefore, the applicant approached to this Tribunal by filing O.A.No. 54/2017 and sought direction for absorption. The said O.A. was allowed by this Tribunal and direction was given to the Collector, Chandrapur to take necessary steps to absorb the applicant in a regular service. That order was not complied and therefore the applicant has filed the present O.A. for the following reliefs –

“(i) To direct Respondents to forthwith absorb services of applicant as per direction given by this Hon'ble Tribunal in O.A. 219/18 with deemed date with all consequential benefits.

ii) To direct Respondent No. 3 & 4 to forthwith issue order of joining of applicant to the post of Peon as per recommendation of Respondent Collector, Chandrapur as reflected in Communication dated 05.10.2021 at Annexure.

iii) To allow O.A. & direct the respondents to forthwith grant approval for appointment by way of absorption & release service benefits as permanent employees from the date of appointment as Mustering Assistant w.e.f. 24.01.1985.

iv) To grant any other relief including costs for which the petitioner is found to be entitled.”

3. On the last date, communication dated 19/04/2023 was filed by the learned P.O. As per this letter, the applicant is absorbed

in a regular service on the post of Peon and still he is working on the said post. The applicant has prayed in this O.A. for direction to grant benefit of deemed date.

4. The Hon'ble Supreme Court **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 has held that the regular services of the Mustering Assistant shall be counted from 31/03/1997 for the purpose of pensionary benefits. Hence, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to count the regular service of the applicant for the purpose of pensionary benefits from 31/03/1997.
- (iii) No order as to costs.

Dated :- 01/08/2023.

(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 : 01/08/2023.