

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 406 of 2021 (SB)**

Anil S/o Namdeo Kendhe,  
Aged about 57 years, Occ. Service,  
R/o Plot No.8, Old Kailash Nagar, Post Ayodhya Nagar,  
Nagpur-24.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Principal Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai-400 032.
- 2) Principal Chief Conservator of Forests  
(HOFF), Maharashtra State, Vanbhavan,  
Ramgiri Road, Civil Lines, Nagpur-440 001.
- 3) Additional Chief Conservator of Forests,  
(Admin-Subordinate Cadre) Vanbhavan,  
Ramgiri Road, Civil Lines, Nagpur-440 001.
- 4) Chief Conservator of Forests  
(Territorial), BSNL Laxmi Sanchar Bhavan,  
nearby Kasturchand Park, Nagpur-440 001.
- 5) Conservator of Forests (Evaluation),  
Maharashtra State, Vanbhavan, Ramgiri Road,  
Civil Lines, Nagpur-440 001.
- 6) Divisional Forest Officer,  
Evaluation Division, Ground floor,  
Vanbhavan, Ramgiri Road, Civil Lines,  
Nagpur-400 001.

**Respondents.**

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**Shri R.M. Fating, Advocate for the applicant.**  
**Shri M.I. Khan, learned P.O. for respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

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**Date of Reserving for Judgment : 31<sup>st</sup> March,2022.**

**Date of Pronouncement of Judgment : 13<sup>th</sup> April,2022.**

**JUDGMENT**

**(Delivered on this 13<sup>th</sup> day of April, 2022)**

Heard Shri R.M. Fating, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

The applicant being qualified, came to be appointed as a Steno-Typist by respondents w.e.f. 21/07/1984 on temporary basis, as the said post was reserved for Scheduled Tribe category. The applicant was continuously working with the respondents till 28/8/1989 with intermittent breaks of one day in every month. After continuous service of five years, the respondent no.6 suddenly terminated the services of applicant w.e.f. 28/8/1989. Being aggrieved by the termination, the applicant filed complaint case before Labour Court, Nagpur. The Labour Court, Nagpur passed interim order dated 16/11/1989 thereby directed the respondents to reinstate the applicant on the post of Steno-Typist. The said order was challenged by respondents before the Industrial Court and thereafter to the Hon'ble High Court. Both the Courts confirmed the interim order of Labour Court. The Labour Court, Nagpur passed the final order on 16/5/1998 confirming its interim order dated 16/11/1989.

3. The Government has passed the G.R. dated 19/9/2019 and directed the respondent no.4 to regularize the service of the applicant w.e.f. 21/7/1984. The respondent no.6 granted pay scale of Rs.25550-81100 as per the 7<sup>th</sup> Pay Commission. The respondents have not granted arrears of salary from 21/7/1984, therefore, the applicant approached to this Tribunal by filing the present O.A.

4. The application is opposed by the respondents. It is submitted that the applicant is made permanent vide Govt. G.R. dated 19/9/2019 and therefore he is entitled for regular pay scale from the date of regularization. He is not entitled for arrears from the year 1984. Hence, the O.A. is liable to be dismissed.

5. Heard Shri R.M. Fating, learned counsel for the applicant. He has pointed out order of Labour Court, Industrial Court and High Court. He has also pointed the Govt. G.R. dated 19/9/2019. The learned counsel has submitted that all these documents nowhere show that applicant is not entitled for arrears from 1984. The respondent nos.4 and 6 wrongly have not given the benefit from the year 1984.

6. Heard Shri M.I. Khan, learned P.O. for the respondents. He has submitted that the applicant was made permanent as per Govt. G.R. dated 19/9/2019. He cannot claim the arrears from the year 1984.

7. There is no dispute that the order passed by Labour Court in Complaint ULP No.776/1989, dated 16/5/1998 is confirmed upto the High Court. The respondents had challenged the said order before the Industrial Court. Said Revision was dismissed by the Industrial Court. Thereafter, it was challenged before the High Court in Writ Petition No. 253/1990. It was decided on 5/2/1990. The Hon'ble High Court dismissed the said Writ Petition confirming the order of Labour Court. The operative part of the Labour Court is as under –

*“ The application complaint is allowed. It is declared that the respondent has terminated the services of the complainant as Steno typist w.e.f. 28/8/1989 which is unfair labour practice covered under item no.1 (a) (b) and (c) of the Schedule IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair labour practices Act, 1971.*

*The respondent is directed to desist the said unfair labour practice perpetually and is further directed to reinstate the complainant to his original post with back wages for the period 28/8/1989 to 13/2/1990 and continuity in service. No order as to costs. ”*

8. The order of Labour Court was confirmed. As per the direction of Labour Court, the respondents were directed to reinstate

the complainant to his original post with back wages for the period from 28/8/1989 to 13/2/1990 and continuity in service. In view of the order of Labour Court, detailed Govt. Resolution was passed on 19/9/2019. As per the Government decision, service of the applicant was regularized on the post of Steno Typist from 21/7/1984. This Govt. G.R. nowhere says that applicant is not entitled for any arrears from 21/07/1984.

9. The respondent nos. 4 and 6 themselves interpreted the Govt. G.R. and fixed the salary of the applicant without given any effect of regularization from 1984. It is mentioned in the order dated 2/6/2021 that applicant is not entitled for any arrears---- etc.

10. It is pertinent to note that the order of Labour Court is very clear. As per the order of Labour Court, the Government decision was taken on 19/9/2019. In the Govt. decision, there is no whisper to show that applicant is not entitled for any arrears from the date of regularization. The applicant is regularized from 21/7/1984 and therefore he is entitled for salary of the post from 21/7/1984. He was earlier posted as a temporary employee on daily wages. The full salary of the post of Steno Typist was not given to the applicant. This Tribunal, Pricipal Bench at Mumbai in O.A.No.1095/2016 directed to pay the arrears and wages from the date of regularization. In Writ

Petition No.581/2008, the Hon'ble High Court in para-10 held as under—

*“(10) The contention is without any sound legal basis for the reason the settled law is that unless a person is accorded permanent employment, the benefits of permanent employment have to be denied. The law does not draw any distinction between the post being a temporary post or a permanent post. As long as the appointment is permanent with benefit of increments in the pay scale being granted, if a temporary post is subsequently made a permanent post and the appointee on the permanent post against a temporary post becomes permanent appointee on a permanent post, the benefit would be from the date of initial appointment.”*

11. The Citations by the side of respondents are not applicable in the case in hand. Even as per the Rule 30 of the Maharashtra Civil Services (Pension) Rules 1982, temporary service is to be counted for pensionary benefits. The service of the applicant is regularized by the Government from 21/7/1984. The respondent nos.4,5&6 are bound to follow the Govt. G.R. The Govt. G.R. does not show that applicant is not entitled for any arrears of salary. On the other hand, it clearly shows that services of the applicant on the post of Steno Typist are regularized from 21/7/1984 and directed the other

respondents to comply the said G.R. The applicant has worked as a Steno Typist from 21/7/1984. His services are regularized from 21/7/1984 on the post of Steno Typist, therefore, he is entitled for arrears of salary of the post of Steno Typist from 21/7/1984. In that view of the matter, the following order –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The impugned communication dated 2/6/2021 issued by respondent no.3 and communication dated 25/6/2021 issued by respondent no.4 are hereby quashed and set aside.
- (iii) The respondents are directed to pay all the arrears of salary of the post of Steno Typist from 21/7/1984 till the retirement of the applicant.
- (iv) No order as to costs.

**Dated** :- 13/04/2022

dnk.

**(Justice M.G. Giratkar)**  
**Member (J).**

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 Member (J).

Judgment signed on : 13/04/2022

Uploaded on : 13/04/2022\*