

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 53 / 2019 (S.B.)**

Sharad S/o Dinkar Pachkhede,
Aged about 57 Yrs., Occupation : Service,
R/o C/o K.S.Awatade Patel,
Nagar, Chandrapur.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Water Supply & Sanitation Department,
7th Floor, Gokuldas Tejpal Hospital Building,
Lokmanya Tilak Road,
Mantralaya, Mumbai- 4.
- 2) The Accountant General-II,
Maharashtra, Nagpur
(Accountant & Entitlement),
Civil Lines, Nagpur.
- 3) The Director, Ground Water
Supply and Development Agency,
Maharashtra State, Bhujal Bhavan, Shivaji Nagar,
Pune-411 005.
- 4) Administrative Officer, Ground Water
Supply and Development Agency,
Maharashtra State, Bhujal Bhavan, Shivaji Nagar,
Pune-411 005.
- 5) The Deputy Director, Ground Water
Supply and Development Agency,
Maharashtra State, Pradikaran Building,
Telangkhedi, Civil Lines,
Nagpur.
- 6) The Senior Geologist, Ground Water
Supply and Development Agency,
Administrative Building Room No. 15, 16
Gadchiroli.

- 7) Senior Geologist, Ground Water Supply and Development Agency, Complex Area, Barrack No. 2 Gadchiroli.

Respondents

Shri S.K.Thengri, the Id. Advocate for the applicant.

Shri P.N.Warjekar, the Id. P.O. for the respondents.

Coram :- Hon'ble Shri Shree Bhagwan, Vice Chairman.

JUDGMENT

Judgment is reserved on 23rd January, 2020.

Judgment is pronounced on 12th February, 2020.

Heard Shri S.K.Thengri, Id. counsel for the applicant and Shri P.N.Warjekar, Id. P.O. for the respondents.

2. As submitted by Id. counsel for the applicant, the respondent no. 6 i.e. Senior Geologist, Ground Water Supply and Development Agency, Chandrapur appointed applicant on 24/10/1991 as Junior Clerk on daily wages and terminated on 02/08/1996. The applicant challenged the said order before the Labour Court, Chandrapur bearing no. 37/1987. During pendency of the said complaint respondent no. 6 took the applicant on duty from 01/01/1987. The applicant was terminated by respondent no. 6 on 21/03/1990. The applicant again filed the complaint before Labour Court, Chandrapur bearing U.L.P. No. 514/1990. Accordingly, Labour Court granted interim relief to the

applicant under Section 30 (2) of the Act. The applicant remained in service to the respondent no. 6.

3. However, he was again terminated by respondent no. 6 on 21/03/1997. The applicant challenged the termination order before Labour Court, Chandrapur bearing complaint no. U.L.P. No. 84/97 which was allowed on 20/10/2004. The respondent no. 6 challenged the said order before Industrial Court, Chandrapur in revision application no. 83/2004 which was dismissed on 03/03/2005. The respondent no. 6 challenged the said order before the Hon'ble High Court in W.P. No. 5088/2005. The applicant also filed W.P. No. 4669/2005 challenging the Judgment at order dated 23/01/2001 passed by Industrial Court, Chandrapur in revision application. The Hon'ble High Court passed the common order on 07/07/2008 and dismissed the W.P. NO. 4669/2005 filed by the applicant and allowed the W.P. No. 5088/2005 filed by the respondent no. 5 i.e. Deputy Director, Ground Water Supply and Development Agency, Nagpur.

4. Being aggrieved the applicant filed the L.P.A. NO. 36/2009 which was allowed on 11/03/2010. The respondent no. 1 i.e. Government of Maharashtra, Secretary, Water Supply and Sanitation, Respondent no. 2 ie. The A.G., Nagpur, Respondent no. 3 i.e. Director, Ground Water Supply & Development Agency, Pune, Respondent no. 4 i.e. Administrative Officer, Ground Water Supply & Development Agency, Pune, Respondent no. 5 i.e. The Deputy Director, Ground Water Supply & Development Agency, Nagpur, Respondent no. 6 i.e. Senior Geologist, Ground Water Supply & Development Agency, Chandrapur have challenged the said order before the Hon'ble Supreme Court in S.L.P. which was dismissed on 22/07/2013. Thereafter, Government of Maharashtra passed resolution on 01/04/2015. Accordingly, respondent no. 5 i.e. The Deputy Director, Ground Water Supply & Development Agency, Nagpur passed order of

applicant on 10/04/2015 but did not communicated to the applicant then the applicant Joined his post on 20/04/2015 at the place of respondent no. 6 i.e. Senior Geologist, Ground Water Supply & Development Agency, Chandrapur. Thereafter, respondent no. 5 i.e. The Deputy Director, Ground Water Supply & Development Agency, Nagpur passed revised order of the applicant on 04/02/2016 and by this order applicant was given continuity of service from 1981 and he was also paid arrears of salary from 2002 in the year 2016. Thereafter, respondent no. 5 transferred the applicant at the place of respondent no. 7 on 31/05/2017 i.e. Senior Geologist, Ground Water Supply and Development Agency, Gadchiroli.

5. The contention of the applicant is that wrong entry was taken into the service book of applicant and then forwarded the copy to the respondent no. 7 i.e. Senior Geologist, Gadchiroli. The applicant filed O.A. 470/2018 in this O.A.. Order has been passed on 12/10/2018 by M.A.T. as follows (P.B., Pg. No. 8 of the O.A.):-

"Heard Shri S.K.Thengre, the Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

*In view of the facts that, applicant is getting superannuated on 31/12/2018. So, respondent nos. 5 & 6 are directed to take necessary actions about applicant's representation dated 05/03/2018 on P.B., Pg. No. 41 (Annexure-A-10) and do necessary corrections, if needed in service book **within one month** from the date of this order.*

With the above directions, the O.A. is disposed of with no order as to costs."

6. The above order was passed considering that applicant was getting Superannuated on 31/12/2018 as per the M.A.T. order. Respondent no. 5

conducted the meeting at Gadchiroli on 22/10/2018 and discussed on the representation of the applicant dated 05/03/2018. As per the M.A.T. order and relooked his original service book and found that he did not comply the conditions of notice issued by respondent nos. 5 to 7. Respondent nos. 1, 3 to 7 have filed their reply, respondent no. 5 i.e. Deputy Director, G.S.D.A., Nagpur has issued order dated 10/04/2014 which is at Annexure-R-1 along with reply as per the Hon'ble Court order in which reference of Government G.R. dated 01/04/2015 is mentioned in reference no. 2 vide this order, the applicant has been regularized in service and at condition no. 16 of this letter it is clearly mentioned following lines (Annexure-R-1, P.B., Pg. NO. 113):-

"egkj"V" 'kkl u] for foHkx] 'kkl u fu.kz; dz vfu; k&1005@126@l dk&4] fn-31-10-05 e/khy rjrphul kj o 'kkl u oGkGh vkns k nby R; kud kj vknku fuoRrhoru ; kst uk ykxqjkfgy-"

7. Again the said order has been revised vide order dated 04/02/2016 (Annexure-R-2) of reply at P.B., Pg. No. 114. However, conditions are same.

8. Since, specific condition no. 16 was mentioned in his absorption letter. In view of above discussions, the applicant cannot be entitled for old pension scheme. Hence, O.A. requires to be dismissed.

ORDER

1. O.A. is dismissed.
2. No order as to costs.

(Shri Shree Bhagwan)
Vice Chairman

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 12/02/2020.
and pronounced on

Uploaded on : 13/02/2020.