

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 707 of 2019 (S.B.)

Ashlesha w/o Navinchandra Aloni,
53-D, Tapowan Complex, Jaiprakash Nagar,
Wardha Road, Nagpur-25.

Applicant.

Versus

- 1) The Secretary,
Department of Agricultural,
Animal Husbandry Dairy Development and
Fisheries, Mantralaya, Mumbai-32.
- 2) Dairy Development Commissioner,
Administrative Building, Khan Abdul Gaffar
Khan Marg, Worli Sea Face, Mumbai-18.
- 3) Regional Dairy Development Officer,
Nagpur Region, Civil Lines, Nagpur-01.

Respondents.

S.M. Khan, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

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

Dated :- 15/03/2023.

JUDGMENT

Heard Shri S.M. Khan, 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 after acquiring the relevant qualifications
was appointed on Class-III post as a Laboratory Assistant in technical
category with the Govt. Milk Scheme, Nagpur on 12/12/1997 vide

appointment order dated 12/07/1997. The applicant was given appointment on the initial pay scale of Rs.975-1540. The 6th Pay Commission has been made applicable to the departmental employees including the applicant w.e.f. 01/01/2006 and she was positioned in the pay scale of Rs.5200-20200 with Grade Pay of Rs.2000/- with effect from that date.

3. The applicant had completed 12 years of continuous service on 12/12/2009, she was given the time bound promotion, but in the same pay scale. It is submitted that next higher pay scale was not granted to the applicant. Therefore the applicant approached to this Tribunal for the following reliefs –

“(i) to place in Pay Scale and Grade Pay of Rs.9300-34800 G.P. 4200/- w.e.f. 12/12/2009.

(ii) to fix her Basic salary according to the higher Pay Scale w.e.f. that date.

(iii) to pay the difference of salary and G.P. with consequential benefits with arrears and interest.”

4. Heard Shri V.A. Kulkarni, learned P.O. for the respondents. The O.A. is strongly opposed by the respondents. It is submitted that it was an isolated post, there was no promotional post and therefore promotional pay was not granted to the applicant.

5. It is very clear from the G.R. dated 08/06/1995, i.e., in respect of time bound promotion. The said G.R. was issued by the Government of Maharashtra with an intention when the employees could not get the promotion because of non-availability of the promotional post. The contention of the respondents that it was a sole post and there was no promotional post. It cannot be a ground to deny the promotional pay because the intention of G.R. of 1995 is very clear. The G.R. is issued with an intention that the employee who cannot get the promotional post because of non-availability of the post, should be given higher pay scale of the promotional post.

6. The learned counsel for the applicant has pointed out the order in O.A. No.354/2019, decided on 01/02/2021. This Tribunal in para-4 has observed as under –

“4. The matter is remanded back to the respondents for deciding the grievances of applicant by giving personal hearing. The applicant has written various representations to the respondents. The last representation is dated 5/4/2019 (A-16,P-43). The respondents are directed to decide this representation in the light of relief clauses sought by the applicant and the Government order dated 6/5/2017 including M.A.T. order in O.A.Nos.532 & 533 of 2013 within 60 days from the date of this order.”

7. In view of the decision of this Tribunal in O.A.354/2019, the following order is passed –

ORDER

(i) The matter is remanded to the respondents for deciding the grievances of the applicant by giving personal hearing. The applicant has made various representations to the respondents. The last representation is of dated 30/05/2019. The respondents are directed to decide the representation in the light of relief clauses sought by the applicant and the Government order dated 06/05/2017 including M.A.T. order in O.A.Nos.563,533 of 2013 and decide the claim of the applicant within a period of 60 days from the date of this order.

(ii) No order as to costs.

Dated :- 15/03/2023.

(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 : 15/03/2023.