

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.720/2015. (S.B.)

Sangita Hukumchand Raut,
Aged about 32 years,
Occ-Service,
R/o Maulinagar. Zakalwadi Road,
Washim, Distt. Washim.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue and Forests,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Amravati Division, Camp, Amravati..
3. The Collector
Washim.

Respondents

Shri U.J. Deshpande, the Ld. Advocate for the applicant.

Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

Coram:-Shri J.D. Kulkarni,
Vice-Chairman (J)

ORAL ORDER

(Passed on this 27th day of November 2018.)

Heard Shri U.J. Deshpande, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

2. The applicant was appointed as Talathi by the Sub-Divisional Officer, Washim vide order dated 21.1.2012 under OBC category. However, she could not produce the caste validity certificate, as her certificate was invalidated and, therefore, vide order dated 3.2.2012, her services were terminated. Against the said termination, the applicant approached the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in W.P. No. 1443/2012. The said writ petition was allowed by the Hon'ble High Court vide order dated 27.11.2012. The order passed by the competent committee dated 4.1.2012 invalidating the caste claim of the applicant was quashed and set aside and the Committee was directed to issue caste validity certificate within three months. Accordingly, the caste validity certificate was issued. The applicant was, therefore, reinstated in service vide order dated 11.3.2013.

3. After joining the duty, the applicant filed representation on 23.9.2013 as per Annexure A-5 and claimed for continuity in service. The Collector, Washim accordingly granted

continuity to the applicant in service and passed the following final order on his representation:-

“म.ना.से. (पदग्रहण कालावधी, परकीय सेवा आणि निलंबन) मधील नियम ७० पोटकलम (३) नुसार कु. संगीता हुकूमचंद रावूत तलाठी ह्यांना शासन सेवेतून बडतर्फ केल्याचा कालावधी (दि. २१.१.२०१२ ते ३.२.२०१२ पर्यंत कार्यरत असलेला कालावधी व दि. ४.२.२०१२ ते १२.३.२०१३ हा खंडित कालावधी) सेवा पूर्वलक्षी प्रभावाने नियमित करण्यात येत आहे.

कु. संगीता हुकूमचंद रावूत तलाठी यांनी त्यांचे अर्जांमध्ये वेतन व भत्त्याची मागणी केलेली नसल्यामुळे, उपरोक्त दि. ४.२.२०१२ ते १२.३.२०१३ हा खंडित कालावधी वेतन व भत्त्यासाठी ग्राह्य धरता येणार नाही.”

4. The applicant has now claimed that she shall be given full back wages for the period from 4.2.2012 to 12.3.2013 and other applicable monetary benefits as a result of continuity in service. The learned P.O. has invited my attention to the representation filed by the applicant. A copy of which is at Annexure A-5 and at page Nos. 22 and 23 (both inclusive). It is material to note that, in the said representation, the applicant has only claimed continuity in service and did not claim any financial benefits. In reply affidavit also, it is mentioned that the applicant has no *locus standi* to claim back wages, as the applicant has not worked during that period. Admittedly, the applicant has not worked as a Talathi during the period from 4.2.2012 to 12.3.2013 and it is not known as to whether

he was engaged somewhere during that period. In such circumstances, the principle of “no work no pay” will have to be made applicable and the applicant’s claim for salary during that period cannot be considered. In view thereof, O.A. stands dismissed with no order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

