

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 984/2018 (S.B.)

Mohansing S/o Sampat Ingle,
Aged about 60 years, R/o at Chadrapur,
Post : Antri Khedekar (Retired 30/11/2017),
Taluka : Chikhli, District Buldana
Milk Procurement Supervisor under R.No.2&3.

Applicant.

Versus

- 1) State of Maharashtra,
through its Principal Secretary, Agriculture,
Animal Husbandry Dairy Development and Fisheries
Department, Mantralaya, Mumbai-32.
- 2) The Regional Dairy Development Officer,
Congress Nagar, Amravati.
- 3) Manager, Government Milk Scheme,
Akola.

Respondents.

S/Shri Bharat Kulkarni, S.Pande, Advocates for the applicant.

Shri H.K. Pande, P.O. for respondents.

**Coram :- Hon'ble Shri Anand Karanjkar,
Member (J).**

Date of Reserving for Judgment : 7th August, 2019.

Date of Pronouncement of Judgment : 14th August, 2019.

JUDGMENT

(Delivered on this 14th day of August,2019)

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for respondents.

2. The applicant is retired Milk Procurement & Extension Supervisor; he stood retired on superannuation on 30/11/2017. The applicant is challenging the order dated 23/6/2017 passed by the Regional Dairy Development Officer, Amravati.

3. It is case of the applicant that in O.As.378 to 381 of 2016 order was passed by the MAT, Nagpur Bench on 20/2/2017. The applicant was party in Application No.380/2016. It is grievance of the applicant that except the applicant, the direction issued by the MAT for giving benefit to other applicants was complied by the respondents. It is contended by the applicant that second ACP benefit was given to him and thereafter stand was taken by the Department in view of G.R. dated 1/7/2011 that it was necessary for the applicant to submit his Caste Validity Certificate and as the applicant failed to produce it, therefore, amount Rs.32,634/- was recovered from the applicant. In the order it was also mentioned that on production of the Caste Validity Certificate by the applicant the amount be refunded to the applicant.

4. It is contention of the applicant that when benefit of second ACP was given to him G.R. dated 1/7/2011 was not issued and

therefore the action of the respondents is illegal. It is submitted that the respondents have committed breach of the direction issued in O.A.380/2016 and therefore direction be given to the respondents to refund him the amount and restore the Pay Scale Rs.9300-34800 plus Grade Pay Rs.4400/- and to pay the arrears and revise his pension.

5. The application is opposed by the respondents vide reply at page no.41. It is contention of the respondents that alternate remedy was not availed by the applicant by making representation, therefore, the present application is not tenable. The second contention of the respondents is that the applicant was appointed on a reserved post and as per the scheme floated by the Government to grant time bound promotion benefit was granted to him. It is submitted that the G.R. dated 1/7/2011 in fact related to the G.R. issued on 1/4/2010 and 5/7/2010 and as there were doubts in the minds of various Authorities, therefore, for removing the doubts the G.R. dated 1/7/2011 was issued. It is contended by the respondents that as the applicant was appointed in the service on the reserved post, therefore, it was incumbent on him to produce his Caste Validity Certificate and as it was not done, therefore, the impugned order dated 23/6/2017 was passed and there is no illegality in it.

6. I have perused the impugned order dated 23/6/2017 and the G.R. dated 1/7/2011. After reading this G.R. it seems that it was

noticed by the Government that while implementing the G.Rs. dated 1/4/2010 and 5/7/2010 there were difficulties faced by the Department Heads and consequently there were several queries, therefore, the instructions were issued by the Government along with the G.R. dated 1/7/2011. In the reply to query no.13, it was specifically instructed by the Government that in case backward candidates they must produce the Caste Validity Certificate.

7. It is not contention of the applicant that before his retirement he submitted his Caste Validity Certificate. The applicant filed Purshis on 22/7/2019. Along with this Purshis the applicant has produced the copy of the letter dated 11/6/2019 addressed to the respondent no.3 along with the Caste Validity Certificate. It seems that on 7/6/2019 the certificate issued by Caste Validity Committee was examined by the Regional Dairy Development Officer, Amravati. It seems that the Caste Validity Certificate was issued by the Scrutiny Committee on 22/5/2019. In view of this, the matter is now resolved. It is already cleared by the respondents in letter dated 23/6/2017 that on verification of Caste Validity Certificate the amount Rs.32,634/- be refunded to the applicant along with the benefit of the second time bound promotion. Hence, the following order –

ORDER

The O.A. is allowed in terms of prayer clause nos. (II) and (III). The respondents are directed to comply the order within a period of three months from the date of this order. No order as to costs.

Dated :- 14/08/2019.

(A.D. Karanjkar)
Member (J).

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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 : 14/08/2019.
and pronounced on

Uploaded on : 14/08/2019.