

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 729 OF 2023

DISTRICT:- AURANGABAD

Shri. Ashok S/o Anant Keskar
Age : 78 years, Occ: Retired-INSTRUCTOR-
(Stenography), Industrial Training
Institute, Aurangabad, At present
R/o: Plot No. 01, C-Sector, N-4,
Cidco, Aurangabad.

APPLICANT.

V E R S U S

1. The State of Maharashtra,
Through - Secretary,
Higher and Technical Education
Department, Mantralaya,
MUMBAI-32. (MAHARASHTRA).
2. The Director of Vocational Education
& Training, State of Maharashtra,
3, MAHAPALIKA MARG,
POST BOX NO. 10036,
MUMBAI 400 001. (MAHARASHTRA)
3. The Joint Director of Vocational Education
& Training, Regional Office-Aurangabad,
Near Bhadkal Gate, Head Post Office
Road, AURANGABAD-431001.
(MAHARASHTRA).
4. The Principal,
Industrial Training Institute,
Railway Station Road,
Vedantnagar, AURANGABAD-431001.
(MAHARASHTRA).

.. RESPONDENTS.

APPEARANCE : Shri L.K. Pradhan, learned counsel for the
applicant.
: Shri M.P. Gude, learned Presenting Officer
for the respondent authorities.

CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN

RESERVED ON : 01.11.2023

PRONOUNCED ON : 21.11.2023

ORDER

Heard Shri L.K. Pradhan, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The applicant entered into the Government service as Stenographer and was posted in the office of the Principal, Government Engineering College at Pune. On 27.7.1970 he was promoted to the post of Stenography Instructor and he was posted on the said post at Industrial Training Institute, Latur. After retirement of the applicant, on 17.1.2004 the Government Resolution came to be issued, whereby the pay scale of the Instructor in Government Industrial Training Institutes and Government and Non-Government Technical Secondary and Higher Secondary School was revised with retrospective effect from 1.1.1996. After becoming aware of the aforesaid Government Resolution on 16.08.2022 applicant preferred an application before the competent authority claiming revision of his pay as per the said G.R. and to determine and release the monetary arrears in his

favour. Vide letter dated 23.9.2022, the Joint Director of Vocational Education and Training, Regional Office, Aurangabad, turned down the claim of the applicant stating that in the Government Resolution dated 17.1.2004, there is no mention of Stenography (English) Instructor and, as such, the applicant cannot be held entitled for the benefit of the said G.R. Aggrieved by the rejection of his claim by the authority concerned, the applicant has approached this Tribunal by filing the present Original Application.

3. The applicant has placed on record the order of his promotion dated 27.7.1970. The applicant has also placed on record the Government Resolution dated 17.1.2004, as well as, the copy of his application dated 16.8.2022 and the reply received to it on 23.9.2022. Learned counsel appearing for the applicant submitted that respondent No. 3 has misread and misinterpreted the Government Resolution dated 17.1.2004. Learned counsel taking me through the said Government Resolution pointed out that the higher pay scale is made applicable vide the Government Resolution to the Instructors in Government Industrial Training Institutes. Learned counsel pointed out that in the year 1970 the applicant was promoted to the post of Stenography Instructor and, as such, pay revision as was given by the aforesaid Government

Resolution was quite applicable in the case of present applicant and he is entitled for the benefit of the revised pay of the period from 1.1.1996 till the date of his retirement i.e. 31.1.2003. Learned counsel submitted that because of the aforesaid pay revision, the applicant will also be entitled for revision in his pension amount, as well as, all retiral benefits.

4. Respondent Nos. 2 to 4 have filed their joint affidavit in reply and have thereby resisted the contentions raised in the application, as well as, prayers made therein. The only ground raised by these respondents is that the Government Resolution dated 17.1.2004 issued by the State of Maharashtra, Higher and Technical Education Department regarding sanctioning and giving benefit of the revised pay scale would not be applicable in case of the applicant since in the aforesaid Government Resolution the post which the applicant was holding at the relevant time i.e. Instructor Laghulekhak (English), is not mentioned in the aforesaid Government Resolution.

5. Shri M.P. Gude, learned Presenting Officer appearing for the State authorities reiterated the contentions raised in the affidavit in reply filed on behalf of respondent Nos. 2 to 4 and submitted that in absence of any specific mention of the post of

Instructor Laghulekhak (English), it is difficult to accept the contentions of the applicant.

6. I have duly considered the submissions advanced on behalf of the applicant, as well as, the respondents. It is not in dispute that the applicant entered into the Government service on the post of Stenographer. The respondents have not denied or disputed the fact that the applicant was promoted vide order dated 27.7.1970 to the post of Stenography Instructor (English). The respondents have also not disputed the fact of issuance of Government Resolution dated 17.1.2004. The dispute is only about the issue whether to the post on which the applicant was working, the benefit of the G.R. dated 17.1.2004 would apply or otherwise? I deem it appropriate to reproduce very first paragraph of the aforesaid G.R., which is only material for decision of the present matter and it reads thus :-

“शासकीय औद्योगिक प्रशिक्षण संस्था, शासकीय/अशासकीय तंत्र माध्यमिक व उच्च माध्यमिक शाळेतील निदेशक/गटनिदेशक, सहाय्यक/कनिष्ठ अधिव्याख्याता, अभियांत्रिकी अधिदक्षक, सहाय्यक अभियांत्रिकी अधिदक्षक तसेच उच्च माध्यमिक शाळेतील व्यवसाय अभ्यासक्रमातील पूर्णवेळ शिक्षक यांना सुधारित वेतनश्रेणी या आदेशाला जोडलेल्या “अनुसूची - अ” प्रमाणे राहतील. ”

The perusal of the aforesaid portion in the G.R. leaves no doubt that the revised pay scale was made applicable vide the said G.R. to all the Instructors working in the Government Industrial Training Institutes.

7. As I mentioned hereinabove, the respondents have not denied or disputed the order of promotion dated 27.7.1970, whereby the applicant was promoted to the post of **Stenography Instructor**. It is thus quite evident that the applicant was also entitled for the revised pay scale as provided in the said G.R. The respondents have wrongly and by making erroneous interpretation of the G.R. have declined to give benefit of the said G.R. From the facts on record and after having gone through the contents of the aforesaid G.R., I have no hesitation in my mind that the applicant is also entitled for the pay revision as provided in the aforesaid G.R.

8. Though I am holding the applicant entitled for the revised pay scale w.e.f. 1.1.1996, I am not inclined to accept his further request to pay arrears of the enhanced salary of the period from 1.1.1996 to 31.1.2003. The Original Application therefore deserves to be allowed. Hence, the following order :-

ORDER

- (i) Respondents are directed to revise the pay of the applicant as provided in the G.R. dated 17.1.2004 w.e.f. 1.1.1996.
- (ii) Respondents are further directed to notionally revise the pay of the applicant w.e.f. 1.1.1996 and determine his

pay as on 31.1.2003. Respondents shall revise the pension payable to the applicant on the basis of his revised pay as on 31.1.2003 and pay him the arrears of the pension of the period preceding 03 years from the filing of the present Original Application by the applicant. The applicant shall be henceforth i.e. from the date of filing the present Original Application paid pension at revised rate.

(iii) The entire such exercise shall be carried by the respondents within 03 months from the date of this order.

(iv) The Original Application stands allowed in the aforesaid terms. There shall be no order as to costs.

VICE CHAIRMAN

PLACE : AURANGABAD

DATE : 21.11.2023

O.A.NO.729-2023 (SB)-2023-HDD-revised pay