

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 848 OF 2019

DISTRICT:DHULE

- 1. Sandip S/o. Bhausahab Chitte,**
Age: 33 years Occu: Service
R/o. At and Post: Kusumba Taluka
Dhule, District; Dhule 424 302.
- 2. Chetan S/o. Nimba Patil,**
Age : 32 years, Occ: Service,
R/o. Plot No. 120, Oswalnagar, Deopur
Near Nagavwari, District: Dhule 424 005.
- 3. Dhiraj S/o. Suresh Suryawanshi,**
Age : 29 years, Occ: Service,
R/o. Dayal Men's Parlor, Ramdoot
Hanuman Chowk, Behing Shraddha
Hospital Desaipura,
Nandurbar – 425 402.
- 4. Gopal S/o. Madhav Dhangar,**
Age : 29 years, Occ: Service,
R/o. At and Post: Ranaiche,
Taluka: Amalner, District : Jalgaon -425 401.
- 5. Jitendra s/o. Budha Bagul,**
Age : 42 years, Occ: Service R/o. 216,
near Mahadev Mandir At and Post: Malpur,
Taluka Shindkhed, District: Dhule-425 408.
- 6. Nilesh S/o. Bajirao Chaudhari,**
Age : 30 years, Occ: Service,
R/o. A-1, Gangopi Apartment Ring Road,
Jajlgaon, District ; Jalgaon 425 001.
- 7. Prashant s/o. Harish Nayake,**
Age : 36 years Occ: Service,
R/o. Sakri Phata, Varangao Road,
Bhusawal, District: Jalgaon.
- 8. Charushila D/o. Sitaram Chaure,**
Age : 26 years Occ; Service,
R/o. Plot No. 52, Eakta Nagar, Nakane Road,
Deopur, Dhule – 424 002.

- 9. Viresh S/o. Madhavrao Sangle,**
Age : 42 years Occ: Service,
R/o. Plot No. 10, Madhav Bag, Sagar Housing
Society, Taluka: Sangamner,
Dist: Ahmednagar – 422 605.
- 10. Prakash S/o. Zipa Khairnar,**
Age : 44 years Occ: Service,
R/o. At and Post : Ganesh Nagar, Satana,
District : Nashik.
- 11. Nitin S/o. Laxman Sawant,**
Age: 30 years Occ: Service,
R/o. At and Post : Dongargaon,
Taluka: Deola, District : Nashik – 423 102
- 12. Rahul S/o. Madhukar Shele,**
Age : 28 years, Occ: Service,
R/o. Gajwakra Nagar, Plot No. 5/B,
Behind Ashwamegh Nagar, Peth Road,
Panchvati, Nashik – 422 004.
- 13. Yogesh S/o. Bandu Pawar,**
Age: 28 years, Occ.: Service,
R/o. Farm Quarter, Post Mahatma Phule
Agriculture University, Rahuri,
Ta. Rahuri, Dist. Ahmadnagar -413 712. **APPLICANTS**

V E R S U S

- 1. The State of Maharashtra,**
Through the Secretary,
Water Resources Department,
Mantralaya, Mumbai – 400 032.
- 2. The Superintending Engineer,**
Water Resources Department,
Quality Control Circle, Post Box No. 519
Sinchan Bhavan, Aurangabad.
- 3. The Executive Engineer,**
Water Resources Department,
Quality Control Division, Sinchan Bhavan,
Sakri Road, Dhule

...RESPONDENTS

APPEARANCE : Shri A.D. Sugdare, learned counsel for
the applicants.
: Shri M.P. Gude, learned Presenting
Officer for the respondent authorities.

**CORAM : JUSTICE SHRI P.R. BORA, VICE CHAIRMAN
AND
: SHRI VINAY KARGAONKAR, MEMBER (A)**
DATE : 05.01.2024

O R D E R

[Per : Shri Vinay Kargaonkar, Member (A)]

Heard Shri A.D. Sugdare, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. **Brief facts: -**

The applicants applied for the post of Laboratory Attendant in pursuance of the advertisement No. 3/2011 issued by the Regional Selection Board, Nashik. They were selected and recommended for appointment to respondent No. 2 i.e. Superintending Engineer, Quality Control Circle, Aurangabad and he issued appointment orders on 23/07/2012 and they were appointed in the office of Respondent No. 3. Respondent No. 2 issued letter in respect of revised pay scale to the Laboratory Attendants (Group-D), which is applicable to the

applicants. Respondent No. 3 forwarded proposal for grant of revised pay scale of Rs. 5200-20200 with Grade Pay of Rs. 1900/- to the applicants on the post of Laboratory Attendants (Group-D) to respondent No. 2 i.e. Superintending Engineer, Quality Control Circle, Aurangabad, who is competent to grant revised pay scale. However respondent No. 2 has not acted on the proposal forwarded by respondent No. 3 and, therefore, this Original Application.

3. **Submissions by the applicants: -**

(i) The applicants submitted that they were appointed in the year 2012 and they were eligible for grant of revised pay scale of Rs. 5200-20200 with Grade Pay of Rs. 1900/- as they have fulfilled the conditions laid down in the letter dated 22.11.1999 issued by respondent No. 2. The applicants submitted that the Respondent No. 2 issued letter dated 22.11.1999 in respect of revised pay scale to the Laboratory Attendant clarifying that the Laboratory Attendants fulfilling the following conditions will be given the pay scale of Rs. 950-20-1150-E.B.-25-1400 from 1.1.1988.

I) The Laboratory Attendant those who are in service on 31.12.1985 or

II) The Laboratory Attendant those who have completed 30 years of their age or

III) The Laboratory Attendant those who have failed S.S.C. Examination with Physics and chemistry subjects.

IV) The revised pay scale would be made applicable from 1.1.1986.

(ii) The applicants submitted that the respondent No. 1 thereafter issued another letter dated 10.4.2001 in respect of grant of revised pay scale to Laboratory Attendant as per the Maharashtra Civil Services (Revised) Pay Rules, 1988 and 1998 as a matter of policy decision by the Government. This letter was circulated to all the authorities in Irrigation Department.

(iii) The applicants state that they were appointed in the year 2012 and they were eligible for grant of revised pay scale of Rs. 5200-20200 with Grade Pay Rs. 1900/- as they fulfilled the conditions laid down in the letter dated 22.11.1999 issued by respondent No. 2.

(iv) The applicants submit that respondent No. 2 is competent authority to take decision and the representations of the applicants are still pending with respondent No. 2.

(v) The applicants submitted representations to respondent No. 2 through proper channel and these representations were recommended and forwarded by respondent NO. 3 to respondent No. 2 for grant of approval in decision in the matter. However, respondent No. 2 has not taken any decision so far.

(vi) The applicants also submitted that the revised pay scale of Rs. 5200-20200 to the Laboratory Attendants (Group-D) working in Pune Division was granted by respondent No. 1. Copy of the order dated 12.3.2015 issued in favour of Laboratory Attendants in Pune Division is placed on record.

4. **Submissions by the respondents : -**

(i) Respondent has supported that letter dated 22.11.1999 in respect of revised pay scale to the Laboratory Attendants fulfilling the conditions in the letter and giving pay scale of Rs. 950-20-1150-EB-25-1400 from 1.1.1998 to those Laboratory Attendants, who are in service on 30.12.1985 or those who have completed their 35 years of age or those who have failed SSC examination with Physics and Chemistry subjects is stated to be made applicable from 1.1.1986 and the applicants have no concern with this letter. Letter issued by respondent No. 1 dated 10.4.2001 in respect of grant of revised pay scale to the Laboratory Attendants is conditional and is applicable to the employees who were in service as on 31.12.1985 or who have completed 30 years of age as on 29.1.1990 or who have failed 10th standard examination with Physics & Chemistry subjects have been given pay scale of Rs. 950-1400 and those who do not fulfill the above criteria will be

given the pay scale of Rs. 750-940 from 1.1.1986 and this letter has also no concern with the applicants. The respondents have also submitted that the claim of the applicants for grant of revised pay scale of Rs. 5200-20200 with Grade Pay of Rs. 1900/- is incorrect and contrary to the rules. The respondents have also submitted that there is no material on record on which basis the applicants are entitled for the pay scale of Rs. 5200-20200 with Grade Pay Rs. 1900/-

Reasoning and Conclusions:

5. Letter dated 22/11/1999 is reproduced below

“खालील अटी पूर्ण करणा-या प्रयोग शाळा परिचरांना वेतनश्रेणी रुपये ९५०-२०-११५०-द. रो-२५-१४००/-दिनांक १.१.१९८६ पासून मंजूर करण्यात यावी.

१) जे प्रयोगशाळा परिचर दिनांक ३१.१२.१९८५ रोजी सेवेत होते किंवा

२) जे प्रयोगशाळा परिचर दिनांक २९.१.१९९० रोजी वयाची ३०वर्ष पूर्ण करतात किंवा

३) जे प्रयोग शाळा परिचर एस. एस. सी. परिक्षेत भौतिक शास्त्र, रसायनशास्त्र विषय घेउन अनुत्तीर्ण आहेत.

सुधारित वेतन श्रेणी दिनांक १.१.८६ पासून लागू करण्यांत आला असला तरी दिनांक १.१.८६ ते ३१.१२.९३ या कालावधीतील वेतन व भत्याचा फरकाची थकबाकी अनुज्ञेय राहणार नाही.”

6. Abovementioned letter clearly shows that the Laboratory Attendants fulfilling the following conditions will be given pay scale of Rs 950-20-1150-E.B.-25-1400 from 01/01/1998.

1) The Laboratory attendants who are in service on 31/12/1985

- 2) The Laboratory Attendants who have completed 30 years of age
- 3) The Laboratory Attendant who have failed SSC Examination with Physics and Chemistry subjects.

7. All applicants fulfil the abovementioned criterion and hence they are eligible for pay scale of Rs 950-20-1150-E.B.-25-1400 from 01/01/1998. Respondents have simply stated that “applicants have no concern with this letter”. Respondents have not given any rule, Government Resolution or reason to substantiate their assertion.

8. Letter dated 18/04/2018 from Government of Maharashtra to the Superintendent Engineer, Quality Control Circle, Pune is reproduced below:

“खालीलप्रमाणे मंजूर करण्यात आलेल्या वेतन श्रेणी नुसार प्रयोगशाळा परिचर कर्मचा-यांना त्याप्रमाणे वेतन अदा करण्याबाबत शासनाच्या दि.१३.०६.२०१६ च्या पत्रान्वये कळविण्यात आले होते.

प्रयोगशाळा परिचर	चौथा वेतन आयोग वि. वि. अधिसूचना दि.२१.१२.१९९८	पाचवावेतन आयोग वि.वि. अधिसूचना दि.२३.६.२०००	सहावा वेतन आयोग वि.वि.अधिसूचना दि.२२.४.२००९
१) अ) दि.३१.१२.१९८५ रोजी सेवेत होते किंवा ब) २९.१.१९९० रोजी वयाची ३० वर्ष पूर्ण केली होती किवा क) एस. एस. सी. अनुत्तीण (भौतिक व रसायनशास्त्र विषय घेउन) आहेत	९५०-१४००	३०५०-४५९०	५२००-२०२०० ग्रेड वेतन -१९००
२) वरील पैकी एकही पर्यायी अट पूर्ण करू शकत नाहीत असे	७५०-९४०	२५५०-३२००	४४४०-७४४० ग्रेड वेतन -१३००

तथापी आपल्या कार्यालयाद्वारे यासंदर्भात कोणतीही कार्यवाही आली नसल्याचे आपल्या कार्यालयातर्गत कार्यरत प्रयोगशाळा परिचरकर्मचा-यांनी दि.२३.२.२०१८ रोजीच्या पत्रान्वये शासनास कळविले आहे.

तरी , शासनाच्या दि.२३.२.२०१६ रोजीच्या पत्रान्वये करण्यात आलेल्या सूचनांनुसार उचित ती कार्यवाही करून प्रयोगशाळा परिचरांना त्याप्रमाणे वेतन अदा करण्यात यावे.

सही
(विनायक लवटे)
अवर सचिव, महाराष्ट्र शासन”

9. Abovementioned letter also shows that Laboratory attendants are eligible for pay scale of Rs 5200-20200 with Grade Pay of Rs 1900 after implementation of Sixth Pay Commission.

10. Revised pay scale of Rs 5200-20200 is granted to Laboratory attendants in Pune Division and learned counsel for applicant has submitted the copies of order from Pune division. If revised pay scale is granted to Laboratory attendants in Pune Division then there is no reason why it should not be granted to Laboratory attendants in Aurangabad Division. Hence, the following order:-

ORDER

- (i) Original Application is allowed in terms of prayer clause 'B'.
- (ii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN