

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A.NOS. 192 TO 194 ALL OF 2019

01. ORIGINAL APPLICATION NO. 192 OF 2019

DISTRICT:- BEED

Kashinath s/o. Tulshiram Soundalkar,
Age : 68 years, Occu. Pensioner,
R/o : Vitthalnagar, Post. Reoki,
Tq. Georai, Dist. Beed.

.. APPLICANT.

V E R S U S

01. The Superintending Engineer,
Aurangabad Irrigation Circle,
Shreynagar, Near P.W.D. Office,
Aurangabad, Dist. Aurangabad.

02. The Executive Engineer,
Jalna Minor Irrigation Division,
Motibaugh, Jalna,
Dist. Jalna.

03. Principal Secretary,
Water Resource Department,
Opp. Mantralaya, 15th floor,
New Administrative Building,
Mumbai 400032.

.. RESPONDENTS

W I T H

02. ORIGINAL APPLICATION NO. 193 OF 2019

DISTRICT:- JALNA

Vitthal S/o. Kisanrao Ghane,
Age : 66 years, Occu. Pensioner,
R/o : Gondi, Tq. Ambad,
Dist. Jalna.

.. APPLICANT.

V E R S U S

01. The Superintending Engineer &
Administrative Authority (Command

Area Development Authority) CADA
Office Campus, Near Gajanan
Maharaj Mandir, Aurangabad,
District Aurangabad.

02. The Executive Engineer,
Jaikwadi Irrigation Division,
Nathnagar, Paithan,
Dist. Aurangabad.
03. Principal Secretary,
Water Resource Department,
Opp. Mantralaya, 15th floor,
New Administrative Building,
Mumbai 400032.

.. RESPONDENTS

W I T H

03. ORIGINAL APPLICATION NO. 194 OF 2019

DISTRICT:- JALNA

Ramkisan S/o. Shrirang Bagal,
Age : 64 years, Occu. Pensioner,
R/o : Eklahra, Post. Teerthpuri,
Tq. Ambad, Dist. Jalna.

.. APPLICANT.

V E R S U S

01. The Superintending Engineer &
Administrative Authority (Command
Area Development Authority) CADA
Office Campus, Near Gajanan
Maharaj Mandir, Aurangabad,
District Aurangabad.
02. The Executive Engineer,
Jaikwadi Irrigation Division,
Nathnagar, Paithan,
Dist. Aurangabad.
03. Principal Secretary,
Water Resource Department,
Opp. Mantralaya, 15th floor,
New Administrative Building,
Mumbai 400032.

.. RESPONDENTS

APPEARANCE : Shri V.B. Wagh, learned counsel for the applicants.
: Smt. M.S. Patni, learned Presenting Officer for the respondent authority in all these matters.
: Shri S.B. Mene, learned counsel for respondent Nos. 1 & 2 in all these matters.

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

DATE : 21.02.2023

ORAL ORDER

Heard Shri V.B. Wagh, learned counsel for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent authority and Shri S.B. Mene, learned counsel for respondent Nos. 1 & 2.

2. Since in all these matters the identical issues are raised and the relief sought is also identical, I have heard these matters together and deem it appropriate to decide these applications by this common order.

3. Learned counsel for the applicants at the commencement of argument it is pointed out that the identical matter has been decided by this Tribunal on 10.2.2022. Learned counsel for the applicants has tendered the copy of the order passed in O.A. No. 241/2019 decided on 10.2.2022 and the same is taken on record. In the present OAs in sum and substance it is the prayer of the applicants that they require to be declared entitled for the benefit of the

Government Resolution dated 16.9.2016 and further that they are entitled for the exemption from passing proficiency examination after crossing the age of 45 years and, therefore, are entitled to the benefit of Assured Career Progression Scheme of the post of Junior Engineer. Learned counsel for the applicants submitted that the authorities concerned have not applied their mind to the request so made by the applicants. Learned counsel submits that in fact the Government has taken favourable decision vide G.R. dated 16.9.2016 and if the said G.R. is properly interpreted, the authorities cannot reject the request of the applicants. Learned counsel submits that in pursuance of the order passed by this Tribunal in O.A. No. 241/2019 the authorities concerned considered the representation of the applicants therein and the benefits which were sought by the said applicants in the said O.A. have been granted in their favour by the respondents by letter dated 2.8.2022. The copy of the said letter is placed on record by the applicants. Learned counsel submits that the similar benefits are sought by the present applicants. Learned counsel further submitted that the representations submitted by the applicants have not yet been formally decided by the respondents and the decision there upon has never been communicated to them though in the written statement the respondents have taken some different stand.

4. After having considered the submissions and more particularly having regard to the fact that in O.A.No. 241/2019 in the case of one

of the employees similarly situated if the similar request has been considered by the respondents, there may not be any difficulty in directing the respondents to consider the representations submitted by the present applicants and communicate the decision to them. Hence, the following order: -

ORDER

The Original Applications stand allowed in the following terms : -

- (i) The respondents shall decide the representations submitted by the applicants on 7.12.2018 within three months from the date of this order in accordance with law on its own merit in light of the provisions under G.R. dated 16.9.2016 and the order passed in O.A. No. 241/2019.
- (ii) It is clarified that the Tribunal has not gone into the merits of the contentions raised in the applications.
- (iii) Needless to state that after decision on the representations if the grievance still subsists, it would be open for the applicants to approach this Tribunal.
- (iv) There shall be no order as to costs.

VICE CHAIRMAN

O.A.NO.398-2021 (SB)-2022-HDD-compassionate appointment