

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 83/2022 (D.B.)

Sumit Dharamvir Nishad,
Aged about 33 years,
Occ. Private Work,
R/o H. No. 454, Near Shivaji Night School,
Hansapuri, Central Avenue,
Nagpur-440 018.

Applicant.

Versus

- 1) Indira Gandhi Government
Medical College and Hospital,
Nagpur, C.A. Road,
Nagpur- 440 018,
through its Dean.
- 2) State of Maharashtra,
Through its Secretary,
Medical Education & Drugs Department,
Mantralaya, Mumbai – 32.
- 3) State of Maharashtra,
Through its Secretary,
Social Justice & Special Assistance Department,
Mantralaya, Mumbai-32.

Respondents

Shri N.S.Khubalkar, Id. Advocate for the applicant.

Shri M.I.Khan, Id. P.O. for the respondents.

**Coram :- Hon'ble Shri M.A.Lovekar, Member (J) &
Hon'ble Shri Vinay Kargaonkar, Member (A)**

JUDGMENT

Judgment is reserved on 17th Jan., 2024.

Judgment is pronounced on 27th Feb., 2024.

[Per:-Member (J)]

Heard Shri N.S.Khubalkar, learned counsel for the applicant and Shri M.I.Khan, learned P.O. for the Respondents.

2. Case of the applicant is as follows. Bannobai, grandmother of the applicant served as Safai Kamgar from 02.04.1997 till her retirement on superannuation on 30.04.2015, on the establishment of respondent no. 1. The applicant applied for appointment by succession (A-2) in support of which Bannobai filed her affidavit (A-5). Other legal heirs of Bannobai gave their "no objection" (A-6) for such appointment. By the impugned communication dated 01.09.2018 (A-9) request of the applicant was turned down on the ground that as per G.R. dated 11.03.2016 (A-11) such appointment could be given only to persons belonging to Scheduled Caste and since Bannobai belonged to Nomadic Tribe, application of the applicant could not be considered. Hence, this Original Application.

3. Respondents 1 & 2 supported the impugned order on the basis of G.R. dated 11.03.2016 (A-11).

4. G.R. dated 21.10.2011 (A-7) reiterates that recommendations of Lad/Page Committee were to be strictly implemented. The applicant was covered by Clause 1 (A) (6) of this G.R..

He was recommended/nominated by Bannobai for appointment. G.R. dated 26.02.2014 (A-8) again reiterated that recommendations of Lad/Page Committee were to be strictly implemented. This G.R. states:-

उपरोक्त शासन परिपत्रक दि. २१ ऑक्टोबर, २०११ मधील (१) (अ) ६ मध्ये " वरील १ ते ५ येथील कोणीही वारस उपलब्ध नसल्यास अथवा सदर वारसांपैकी कोणीही सफाईचे काम करण्यास तयार नसल्यास संबंधीत सफाई कामगाराचा सांभाळ करण्याची लेखी हमी घेणारी कोणीही नामनिर्देशित व्यक्ती" अशी सुधारणा याद्वारे करण्यात येत आहे.

Thereafter, G.R. dated 10.11.2015 (A-10) was issued which was cancelled by G.R. dated 11.03.2016 (A-11). The latter G.R. states:-

शासन निर्णय:-

लाड समितीच्या शिफारशी नुसार सफाई कामगारांच्या वारसांना शासकीय / निमशासकीय सेवेत देण्यात येणाऱ्या नियुक्ती संदर्भात पुनर्विचार करून संदर्भीय दिनांक १०.११.२०१५ रोजीचा शासन निर्णय रद्द करून सुधारीत निर्णय खालीलप्रमाणे घेण्यात येत आहे:-

१) वाल्मिकी, मेहेतर समाजाला सामाजिक, आर्थिक संरक्षण देण्यासाठी सफाई कामगारांच्या नियुक्तीबाबत लाड समितीने शिफारस केलेली वारसा पध्दत पुढे चालू ठेवण्यात यावी.

२) लाड समितीच्या शिफारशी जरी ४० वर्षांपूर्वी लागू केल्या असल्या तरी सद्यस्थितीत सदर शिफारशी चालू ठेवणे आवश्यक आहे. त्यानुसार शासन परिपत्रक, सामाजिक न्याय व विशेष सहाय्य विभाग क्र. सफाई २०१४/प्र.क्र.०७/महामंडळे दि.२६ फेब्रुवारी २०१४ अन्वये घेण्यात आलेली भूमिका कायम ठेवण्यात यावी.

३) सफाई कर्मचारी म्हणून सेवानिवृत्त झालेल्या किंवा होणाऱ्या अथवा स्वेच्छानिवृत्ती घेणाऱ्या किंवा सेवेत असताना निधन पावलेल्या

अनुसूचित जातीमधील इतर सफाई कर्मचाऱ्यांच्या वारस किंवा नातेवाईक यांस सदर योजनेचा लाभ देण्यात यावा.

४) सदरहू निर्णय राज्यातील सर्व विभागातील सफाई कामगारांच्या वारसांना लागू राहतील.

A conjoint consideration of aforesaid four G.Rs. shows that the benefits of recommendations of Lad-Page Committee could not be confined to persons of Scheduled Caste alone. The applicant has relied on the judgment dated 18.04.2019 of the Hon'ble Bombay High Court in W.P. No. 9666/2018 wherein it is observed:-

The Government Resolutions dt. 11.03.2016 and 10.11.2015 is a beneficial policy introduced by the Government. The preface to the Government Resolution itself states that, though Lad/Page Committee recommendations are of 40 years back, it is necessary to continue the same and the people from SC community were also entitled for the benefit of Lad/Page Committee recommendations.

(Emphasis Supplied)

5. Considering aforesaid factual and legal position, **the impugned communication dated 01.08.2018 (A-9) is quashed and set aside. The respondents are directed to appoint the applicant as Safai Kamgar within three months from today.** No order as to costs.

(V.Kargaonkar)
Member(A)

aps

Dated – 27/02/2024

(M.A.Lovekar)
Member (J)

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J)
& Hon'ble Member (A).

Judgment signed : 27/02/2024.
on and pronounced on

Uploaded on : 28/02/2024.