

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 809/2017 (S.B.)**

Shri Baba Atmaram Kedar,  
Aged about 67 years,  
Occ. Retired Govt. Servant,  
Resident of Plot No. 31, Rashtra Sant Nagar,  
Near Pandurang Karyalaya,  
Zingabai Takli, Godhni Road, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
Command Area Development Authority (CADA),  
Irrigation Department, Wainganga Nagar,  
Ajni, Nagpur.
- 3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 810/2017 (S.B.)**

Shri Devendra Patiram Baraskar,  
Aged about 65 years,  
Occ. Retired Govt. Servant,  
Resident of Friends Colony,  
Near Apna Bhandar, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
Command Area Development Authority (CADA),  
Wainganga Nagar,  
Ajni, Nagpur.
- 3) Executive Engineer,  
Gondia Irrigation Division, Gondia.

**Respondents.**

**ORIGINAL APPLICATION No. 811/2017 (S.B.)**

Shri Vishwas S/o Shrirang Darne,  
Aged about 61 years,  
Occ. Retired Govt. Servant,  
Resident of Dahegaon (Gawande)  
Post Dahegaon Gawande,  
Tahsil and Dist. Wardha.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
Command Area Development Authority (CADA),  
Wainganga Nagar,  
Ajni, Nagpur.
- 3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 812/2017 (S.B.)**

Shri Kacharu S/o Hiraman Ganer,  
Aged about 68 years,  
Occ. Retired Govt. Servant,  
Resident of Mahadula, Post Koradi,  
Tahsil Kamtee, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
Command Area Development Authority (CADA),  
Wainganga Nagar,  
Ajni, Nagpur.
- 3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 813/2017 (S.B.)**

1. Smt. Kiran C. Pahade and 2 Ors.,  
Aged about 63 years,  
Occ. Retired Govt. Servant,  
Resident of Ward No. 6, Ramtek Road,  
Parseoni, Tahsil Parseoni, Dist. Nagpur.

2. Shri Rahul C. Pahade (1<sup>st</sup> Son),  
Aged about 35 years,  
Resident of Ward No. 6, Ramtek Road,  
Parseoni, Tahsil Parseoni, Dist. Nagpur.

3. Shri Ashvin C. Pahade (2<sup>nd</sup> Son),  
Aged about 33 years,  
Resident of Ward No. 6, Ramtek Road,  
Parseoni, Tahsil Parseoni, Dist. Nagpur.

**Applicants.**

**Versus**

1) The State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.

2) Superintending Engineer and Administration,  
Command Area Development Authority (CADA),  
Wainganga Nagar,  
Ajni, Nagpur.

3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 814/2017 (S.B.)**

Shri Narendra S/o Pundlik Nimbulkar,  
Aged about 64 years,  
Occ. Retired Govt. Servant,  
Resident of Biloti, Post Navegaon Khairi,  
Tahsil Parseoni, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
Command Area Development Authority (CADA),  
Wainganga Nagar,  
Ajni, Nagpur.
- 3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 815/2017 (S.B.)**

Shri Vithoba Chinduji Itankar,  
Aged about 64 years,  
Occ. Retired Govt. Servant,  
Resident of Plot No. 14 B, Pramandth Layout,  
New Koradi, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
Command Area Development Authority (CADA),  
Wainganga Nagar,  
Ajni, Nagpur.
- 3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 816/2017 (S.B.)**

Shri Urkuda s/o Bhaduji Raut,  
Aged about 67 years,  
Occ. Retired Govt. Servant,  
Resident of Navegaon Khair,  
Post Navegaon Khairi,  
Tahsil Parseoni, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
CADA, Wainganga Nagar, Ajni, Nagpur.
- 3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**



**ORIGINAL APPLICATION No. 817/2017 (S.B.)**

Shri Bhayya S/o Chindhuji Diwate,  
Aged about 62 years,  
Occ. Retired Govt. Servant,  
Resident of Neharu Ward, Digalwade Road,  
Parseoni, Tq. Parseoni, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer,  
Gosikhurd, Lift Irrigation Circle,  
Ambadi, Dist. Bhandara.
- 3) Executive Engineer,  
Gosikhurd, Lift Irrigation,  
Dn. Ambadi, Dist. Bhandara.

**Respondents.**

**ORIGINAL APPLICATION No. 818/2017 (S.B.)**

Shri Narendra S/o Mahdaorao Ganveer,  
Aged about 70 years,  
Occ. Retired Govt. Servant,  
Resident of Sant Dnyaneshwar Society  
Tamana Apt. Flat No.9, Mankapur, Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
CADA, Wainganga Nagar, Ajni, Nagpur.
- 3) Executive Engineer Project,  
Pench Irrigation Management,  
Soil and Water Pilot Project,  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 819/2017 (S.B.)**

Shri Wasudeo S/o Madhao Raut,  
Aged about 61 years,  
Occ. Retired Govt. Servant,  
Resident of Kedareshwar Nagar  
Ward No.3, Pench Road, Parseoni,  
Tahsil Parseoni, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
CADA, Wainganga Nagar, Ajni, Nagpur.
- 3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 820/2017 (S.B.)**

Shri Shalik Shamrao Burde,  
Aged about 69 years,  
Occ. Retired Govt. Servant,  
Resident of Parsodi (Peth),  
Post Navegaon Khairi,  
Tahsil Parseoni, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
CADA, Wainganga Nagar, Ajni, Nagpur.
- 3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 821/2017 (S.B.)**

Shri Ravishankar Motiram Madame,  
Aged about 57 years,  
Occ. Service,  
Resident of Prabhu Nagar Godhani Road,  
Zingabai Takli, Plot No.39,  
Post Mankapur, Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer and Administration,  
CADA, Wainganga Nagar, Ajni, Nagpur.
- 3) Executive Engineer,  
Minor Irrigation Division (South),  
Wainganga Nagar, Ajni, Nagpur.

**Respondents.**

**ORIGINAL APPLICATION No. 822/2017 (S.B.)**

- 1) Smt. Asha W/o late Vinayak Mule, aged 52 years,  
Occupation-Retired Govt. Servant,  
Resident of Gajanan Layout, Ward No. 3,  
Parseoni, Post Parseoni, Dist. Nagpur.
- 2) Sameer S/o late Vinayak Mule, aged 28 years,  
Adhar Card of widow of the deceased Asha Vinayak  
Resident of Gajanan Layout Ward No.3, Parseoni,  
Post Parseoni, Dist. Nagpur.

**Applicants.****Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Irrigation / Water Resources Department,  
Mantralaya, Mumbai-32.
- 2) Superintending Engineer,  
Gosikhurd, Lift Irrigation Circle,  
Ambadi, Bhandara.
- 3) Executive Engineer,  
Gosikhurd Lift Irrigation,  
Dn. Ambadi.

**Respondents.**

---

**Ms. Meenaxi Iyer, the Id. Adv. for the applicants.****Shri A.M.Ghogre, the Id. P.O. for the respondents.****Shri H.D.Marathe holding for Shri N.A.Palshikar, the Id. counsel for  
the respondent no. 3 (O.A. Nos. 817 & 822/2017).**

---

**Coram :- Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

---

**Date of Reserving for Judgment : 08<sup>th</sup> April, 2021.****Date of Pronouncement of Judgment : 21<sup>st</sup> June, 2021.**

**JUDGMENT****(Delivered on this 21<sup>st</sup> day of June, 2021)**

1. Heard Ms. Meenaxi Iyer, Id. Counsel for the applicant and Shri A.M.Ghogre, learned P.O. for the respondents. Shri H.D.Marathe, the Id. counsel for the Respondent No. 3 (O.A. Nos. 817 & 822/2017)
2. All the original applications are having common prayer therefore, heard and disposed of by the common Judgment. The facts of the all original applications are near about common. Mainly the prayer in all the original applications with regard to granting higher pay-scale to the applicants of Civil Engineering Assistant Grade w.e.f. 01.09.1990 to 06.09.1998 and in alternatives. The applicants are praying to give the said benefits of pay-scale after completion of training period w.e.f. 07.09.1995 to 07.06.1998.
3. Heard both the sides, particularly the Id. counsel for the applicants argued the matters at length and also filed the notes of arguments and other necessary documents in support of their claim. I perused all the documents and pleadings in the original applications as well as the reply filed by the respondents at P.B., Pg. No. 37 thereby opposing the prayer of applicants.
4. It is admitted position in all the original applications that applicants filed the present matters after their retirements and claiming the benefits of higher pay scale w.e.f. 1995. The respondents in their reply have categorically objected regarding the maintainability of the O.A. on the ground of limitation. Admittedly, all the applicants are near about retired in the year 2008 and the present O.A. is filed on 27/09/2017 and claiming the benefit w.e.f. 1995 as stated above. There is not a single whisper or application for condoning the huge delay even

pointed out by the respondents. Therefore, on this ground the respondents are praying to reject the O.A.. However, in the interest of justice matter is heard on merit.

5. It is a case of the applicants that they are appointed in the period of 1979 to 1982 purely on the temporary basis for six months (O.A. No. 809/2017, Annexure-A-I, P.B., Pg. No. 14), the said orders were annexed to the O.As.. On perusal of the appointment orders of the applicants demonstrate that they are recruited through the employment exchange purely on temporary basis at various offices of the respondents. As per the pleadings of the applicants they are not having any technical education. All the applicants are not having any diploma or degree or not even having any certificate of technical education particularly Civil Engineering. The applicants are relying on the Circular issued by the Irrigation Department dated 18/06/1998 which is at P.B. page no.18 which is related to grant of time bound promotion to the Civil Engineering Assistant. None of the applicants are from the cadre of Civil Engineer Assistant as per their own pleading in the O.A. The applicants categorically failed to demonstrate that how the Circular dated 18/06/1998 is applicable in their matters and how the same is applicable to their cases. It is further relied by the applicants the examination rules dated 19/09/2002 whereby the State Government has formulated the examination rules for the post of Civil Engineering Assistant by promotion as well as nomination. The State Government has also issued Circular dated 01/11/2013 thereby relaxing the condition of passing of examination as per departmental examination rules dated 19/09/2002. It is categorically mentioned in the Circular dated 01/11/2013 that the same has been issued only to give benefit of time



bound promotion to those employees who have completed 45 years of age and not passed the departmental examination.

6. In the present matters the applicants are not claiming the benefit of time bound promotion from the prayer clause no. 9 of the O.A., which is below:-

*"9. (i) That the Hon'ble Tribunal kindly direct the respondents to award Civil Engineer Assistant Grade of scale to the applicant w.e.f. 01.09.1990 to 06.09.1998 and after completion of training period or in alternative from 07.09.1995 to 07.06.1998 as per Rules;*

*(ii) Direct the respondents to award Junior Engineer Scale from 07.09.1998 to 30.09.2008 (retired) with consequential benefits attached thereto according to Govt. Resolution placed on record of the Court, as he was appointed as Gauge Karkoon under the Technical Section under the Control of Executive Engineer.*

*(iii) To grant any other reliefs may deem fit and proper in the facts and circumstances of the application, in the interest of justice, including cost and revision of his pension;"*

7. As stated above, the applicants do not have any technical education and they are recruited on the regular temporary establishment on non technical post on purely temporary basis, even though they are continued and at the same time the respondents absorbed their services in the permanent cadre by issuing the Circular dated 28/01/2004 and all the applicants are near about retired in the period of 2007 to 2008. From this fact, it will be revealed that none of the applicants were on the permanent post prior to their absorption w.e.f. 28/01/2004. In spite of that all the applicants are given the benefits of

time bound promotion as per the pleadings and admission made by the respondents in their reply and this fact has not been disputed by none of the applicants by filing rejoinder or any sort of affidavit.

8. By the order dated 29/11/2019, the respondents are directed to decide the representation of the applicants within a period of two months. The respondents had decided the representation of the applicants and thereby rejected the request of the applicants and the same has been placed on the record by the respondents in the O.A. and also given to the applicants. From the entire record and from the argument, the applicants fail to demonstrate that how they are entitled for the pay scale of Civil Engineering Assistant w.e.f. 01/09/1990 when none of the applicants is possessing any technical education and not even holding the substantive post in the establishment of the respondents. Admittedly, all the applicants were absorbed on their respective posts of non-technical cadre by the Govt. Resolution dated 28/01/2004 and this factual position is not disputed by the applicants and the applicants are failed to demonstrate that how they are entitled for the pay scale of Civil Engineering Assistant when they are not holding that post. From the entire pleading, in the O.As. as well as the affidavits, rejoinders and notes of arguments filed by the applicants not demonstrate or make out any case as per their prayer made in the O.As. Therefore, the O.As. are devoid of any merits and the reasons stated above (as well as on the ground of limitation, the same needs to be rejected). The Id. counsel for the applicants has relied upon W.P.No. 6212/2011 (P.B., Pg. Nos. 74 to 77, both inclusive) order delivered on 09.11.2011. However, applicants in this Writ Petition are permanent employees and hence these applicants cannot be compared with the applicants in the present O.As. Similarly, the Id. counsel for the applicants has also relied in Judgment of M.A.T.,

O.A.Nos.809,810,811,812,813,814,815,816,817,818,819,820,821&822of2017

Aurangabad Bench in O.A. No. 395/2015 delivered on 27.03.2018. In the said O.A. also applicants were permanent employees and since they were permanent employees their grievances cannot be compared with applicants in the present O.As..

9. As per the original appointment orders of all the applicants; they were purely appointed on temporary basis. Hence the arguments canvassed about these applicants considering that they were permanent employees is not justified.

10. In view of discussion in foregoing paras, there is no substance in relief clause of the O.A. and hence the order:-

### **ORDER**

1. O.A. is dismissed.
2. No order as to costs.

**Dated** :- 21/06/2021.

aps...

**(Shree Bhagwan)**  
**Vice-Chairman.**

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

Name of Steno : A.P.Srivastava

Court Name : Court of Hon'ble Vice-Chairman.

Judgment signed on : 21/06/2021.

and pronounced on

Uploaded on : 22/06/2021.