

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 858 of 2020 (SB)

Ramkrishna Govindrao Singane,
Aged 60, Occ : Retired,
R/o 'Royal Height', Manmode Layout,
Zingabai Takli, Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Finance,
Mantralaya, Mumbai-32.
- 2) Collector, Nagpur.
- 3) Tahsildar, Bhiwapur, Distt. Nagpur.

Respondents.

Shri N.R. Saboo, Advocate for the applicant.
Shri H.K. Pande, P.O. for respondents.

WITH

ORIGINAL APPLICATION No. 545 of 2021 (SB)

Rameshkumar Dashrath Thakre,
Aged 60 Yrs., Occ. Retired,
R/o Waddhmana, Tah. Ramtek,
Distt. Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Finance,
Mantralaya, Mumbai-32.
- 2) Collector, Nagpur.
- 3) Tahsildar, Hingna, Distt. Nagpur.

Respondents.

Shri N.R. Saboo, Advocate for the applicant.
Shri V.A. Kulkarni, P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Date of Reserving for Judgment : 24th February, 2022.

Date of Pronouncement of Judgment : 2nd March, 2022.

COMMON JUDGMENT

(Delivered on this 2nd day of March, 2022)

Heard Shri N.R. Saboo, learned counsel for the applicants and Shri H.K. Pande, Id. P.O. (in O.A.858/2020) and Shri V.A. Kulkarni, Id. P.O. (in O.A.545/2021) for the respondents.

2. The applicant in O.A. No. 858/2020 namely Ramkrishna G. Singane was engaged as a Mustering Assistant on 1/2/1982. His service was discontinued on 30/06/1992. He was reinstated with continuity of service as per the order of Labour Court on 10/09/1996. The applicant along with other applicant Ramesh Thakre (in O.A.545/2021) and other similarly situated employees filed O.A. No. 462/2004 before this Tribunal. This Tribunal passed the following order –

“ (12) In the result, the O.A. is allowed in the following terms ;

(i) It is declared that the applicant nos.1&2, 5 and 6,9 to 18 and 20 & 21 shall be held to be in service as on 31/5/1993 and consequently they are entitled for the benefit of the scheme floated vide G.R. dated 1/12/1995 and subsequently ratified in terms of G.R. dated 21/4/1999.

(ii) The respondents shall take necessary steps in that regard. If any monetary benefits became payable to the applicants same shall be paid to them immediately.

(iii) There shall be no order as to costs."

3. The applicant was absorbed in regular service w.e.f. 30/05/2016 as Junior Clerk. The applicant is now retired on 31/3/2019.

4. It is grievance of the applicant that the deemed date of absorption in regular service was not given by the respondent no.2. The respondent no.1 has already directed vide communication dated 2/12/2016 directing the respondent no.2 to grant deemed date of absorption to the applicants in O.A. No. 462/2004 by showing their placement in seniority list above the names of junior Mustering Assistant. The respondent no.2 is not complying the directions given by the respondent no.1. Hence, this O.A.

5. The applicant in O.A. No. 545/2021 namely Rameshkumar D. Thakre was engaged as a Mustering Assistant on 21/08/1981. His service was discontinued on 20/08/1992. The said order was challenged before the Labour Court. He was reinstated with continuity of service on 25/9/2000. The applicant along with other similarly situated employees filed O.A. No. 462/2004 before this Tribunal. As per the direction of this Tribunal, he was absorbed in service on

30/5/2016. Now he is retired on 30/06/2018. The applicant made representation to the respondent no.1. The respondent no.1 directed the respondent no.2 to give deemed date of absorption to the applicant as per seniority list from the date his juniors are absorbed in the regular service. The respondent no.2 is not following the directions given by the respondent no.1 vide communication dated 2/12/2016. Hence, this O.A.

6. Heard Shri N.R. Saboo, learned counsel for the applicants. He has pointed out the order of this Tribunal in O.A. No. 462/2004. He has pointed out the decision of this Tribunal in O.A.No. 454/2020 with connected matters decided on 17/12/2021. This Tribunal in O.A.No. 462/2004 has directed the respondents to absorb the applicants in regular service as per the G.Rs. dated 1/12/1995 and 21/4/1999. It appears that the respondents have complied the order of this Tribunal in O.A. No. 462/2004, but they were not given deemed date of absorption from the date on which their juniors were absorbed in the regular service. The applicant made representation to the respondent no.1. The respondent no.1 communicated the respondent no.2 vide letter dated 2/12/2016. The respondent no.1 directed the respondent no.2 as under –

^1- fnukad 1@12@1995 o 21@4@1999 P; k 'kkI u fu.kz kuq kj Jh- panz kq[kj cMokbzd o brj gtjh I gk; d ; kauk t\$Brk I pphr I kekou ?ksksvko'; d vkgS

2- तःBrk I phr uko ?ks-kuk R; kuk R; kR; ki s{k k dfu" B vl yY; kgtjh I gk; dkph tःBrk I phph ekuho fnukad nsksvko'; d vkgS

3- तःBrkl ph v?k; kor >KY; koj R; ki zek.ksR; kph oru fu' phrh dj .ksvko'; d vkgS

4- ojhy i zek.ksdk; bkgh d#u vuq kyv vgo ky 'kkI ukl I knj dj.; kr ; kok- **

7. As per the direction of this Tribunal in O.A.Nos. 462/2004 and 11/2007, the applicants namely Chandrashekhar Badwaik and others shall be absorbed in regular service. While absorbing them in regular service, they should be given deemed date of absorption from the date of absorption of their juniors and accordingly directed the respondents to prepare revised seniority list.

8. The respondent has prepared revised seniority list, but not given the benefit of deemed date of absorption to the applicant. Hence both the applicants prayed for direction to the respondents to provide all service benefits including difference of salary as well as pensionary benefits from the deemed date of absorption on the post of Junior Clerk. It is clear that the respondent no.2 has not complied the directions given by the respondent no.1 vide communication dated 2/12/2016. Hence, the following order –

ORDER

- (i) The O.As. are allowed.
- (ii) The respondent no.2 is directed to comply the directions of respondent no.1 as per the communication dated 2/12/2016 and give

all the service benefits to the applicants by giving deemed date of absorption on the post of Junior Clerk from the date on which their juniors were absorbed in the regular service.

(iii) The respondents are directed to give difference of salary as well as pensionary benefits to the applicants, as per the rules.

(iv) No order as to costs.

Dated :- 02/03/2022

(Justice M.G. Giratkar)
Member (J).

dnk*

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

Name of Steno : D.N. Kadam

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

Judgment signed on : 02/03/2022.

Uploaded on : 02/03/2022.