

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NOS.220 and 291/2009

Original Application No. 220/2009

Shri Wasudeo Adkuji Tikle,
Aged about 59 years,
R/o At Post Kurza,
Distt. Chandrapur. ----- **Applicant.**

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of E.G.S.,
Mantralaya, Mumbai-440 032.
 - 2) The Commissioner, Nagpur
Division, Nagpur.
 - 3) The Collector, Chandrapur,
Distt. Chandrapur. ----- **Respondents**
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Original Application No. 291/2009

Shri Murlidhar Shrawan Dange,
Aged about 55 years,
R/o Brahmapuri,
Distt. Chandrapur. ----- **Applicant.**

Versus

- 1) The State of Maharashtra,
through its Secretary,

Department of E.G.S.,
Mantralaya, Mumbai-440 032.

2) The Commissioner, Nagpur
Division, Nagpur.

3) The Collector, Chandrapur,
Distt. Chandrapur. -----

Respondents

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1. Shri N.S. Bade, Advocate for the applicant.
 2. Shri H.K. Pande, Presenting Officer for the respondents.
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Coram:- Rajiv Agarwal : Vice-Chairman.

Dated :- 10/3/2017

ORDER

Heard Learned Advocate Shri N.S. Bade, for the Applicant and Shri H.K. Pande, Learned Presenting Officer for the Respondents.

2. These O.As. are heard together and are being disposed of by a common order as the issues to be decided are identical.

3. In these O.As the Applicants were initially employed as Muster Assistant on various works under the Employment Guarantee Scheme (E.G.S.). Subsequently, they were absorbed in Group 'C' and 'D' post in the Govt. in terms of G.R. dated

1/12/1995. The Applicants are claiming that they are eligible to count their service in E.G.S. as Muster Assistants for various benefits including pensionary benefits.

4. Learned Presenting Officer, (P.O.) argued on behalf of the Respondents that this issue has been decided by this Tribunal by the judgment dated 14/2/2017 in a group of O.A. no.710/2009 etc. After considering various judgments of Hon'ble Supreme Court and High Court, this Tribunal has concluded that Muster Assistants working on E.G.S. works, were absorbed in Govt. service in terms of G.R. dated 1/12/1995. Hon'ble Supreme Court has upheld the constitutional validity of the aforesaid G.R. Clause 5.2 of this G.R. dated 1/12/1995 states that :-

Clause 5.2 :“ हजेरी सहाय्यकांना सद्या मिळत असलेल्या वेतनश्रेणी व्यतिरिक्त शासकीय कर्मचा-यांना मिळणारे लाभ व इतर सोयी सवलती अनुज्ञेय राहणार नाही व ते शासकीय कर्मचारी म्हणून ओळखले जाणार नाहीत.”

5. As such, the Muster Assistant's appointment in Group 'C' or 'D' post was treated as fresh appointment in the Govt. and their past service as Muster Assistant on E.G.S. works was held ineligible to be counted for pensionary or any other benefit.

6. It is seen that the claim of the Applicants that they had completed 20 years of qualifying service when they retired is not based on facts. Their service as Muster Assistants on E.G.S. works cannot be counted for calculating any benefits after their absorption in regular posts in the Govt.

7. Having regard to the aforesaid facts and circumstances of the case, these O.As are dismissed with no order as to costs.

**(Rajiv Agarwal)
Vice-Chairman.**

Skt.