

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.162 of 2007**

Jaikrishna S/o Ramaji Lamsoge,  
Aged about 59 Years, Occ. Retired,  
Government Servant, R/o 314, Ashwini Apartment,  
South of Ridge Road, Vishwakarma Nagar,  
Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary, Medical Education Drugs  
Department, Mantralaya, Mumbai-32.
- 2) The Director of Medical Education and Research  
Department, Mumbai, Government Dental College  
and Hospital Building, Mumbai-400 001.
- 3) Dean,  
Government Medical College and Hospital,  
Nagpur.
- 4) The State Government of Maharashtra through  
its Secretary Higher and Technical Education  
Department, Mantralaya, Mumbai-32.

**Respondents**

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**Shri N.S. Badhe, Advocate for the applicant.**

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

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**CORAM : Shri Rajiv Agarwal (Vice-Chairman) (A)**

**Shri J.D Kulkarni (Vice-Chairman) (J)**

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## JUDGEMENT

PER : Vice-Chairman (J).

**(Delivered on this 7<sup>th</sup> day of July,2017)**

Heard Shri N.S. Badhe, learned counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The applicant was appointed as a Physical Training Instructor/PTE/DP Education and he joined as such on 8/2/1973. The applicant was not granted pay scale of Rs. 550-900/- w.e.f. 1/1/1973, Rs.700-1600/- from 1/4/1980, Rs.2200-4000/- w.e.f. 1/4/1986, Rs. 3000-5000/- w.e.f. 1/4/1988 and Rs.3700-5700/- w.e.f. 1/4/1996 and therefore he was constrained to file O.A.No. 676/1998. The said O.A. came to be disposed of vide order dated 3/11/2000, wherein the following order was passed by the Maharashtra Administrative Tribunal, Bench at Nagpur :-

*“The application is allowed. Respondent are directed to issue necessary orders granting the revised pay scales as recommended by U.G.C. from time to time, to the applicant with retrospective effect. This process should be completed within a period of 3 months. With these directions, the O.A. stands disposed of. No order as to costs.”*

3. According to the applicant, the Government has further revised the pay scale of the Teachers w.e.f. 1/1/1973 in the pay scale of Rs. 700-1600/- in place of Rs.550-900/- and further granted arrears thereof to some of the Teachers w.e.f. 1/1/1973. However, the said pay scale was not made applicable to the applicant and similarly situated Teachers. It is stated that the Government however made this pay scale applicable to the applicant and other similarly situated persons, but the pay scale is granted w.e.f. 31/7/2004 and therefore step motherly treatment has been given to the applicant and similarly situated Teachers and therefore this O.A. The applicant has claimed following main reliefs.

*"A1) In the even if it is held that the G.R. dated 31/7/2004 (Annexure no.5) is not applicable to the applicant as the same is not of medical and drugs department, then declare that the applicant is entitled for the pay scale of Rs.700-1600 w.e.f. 1/1/1973 and direct the respondent Government to grant the pay scale of Rs. 700-1600 to the applicant w.e.f. 1/1/1973 and further direct the respondent Government to pay to revised the pay scale to the applicant throughout till date and direct the respondent government to make payment of arrears of different of salary on re-fixation of the pay of the applicant in the pay scale of Rs.700-*

*1600 w.e.f. 1/1/1973 as in case of the other Govt. Teachers and Medical Teacher.*

*B) Alternatively if this Hon'ble Tribunal comes to the conclusion and holds that the applicant is not entitled for the arrears of difference of salary w.e.f. 1/1/1973, by revising the pay of the applicant in the pay scale of 700-1600/- from that date, then at least, it be held that the applicant is entitled for the benefits as per G.R. dated 31/7/2004 and issue directions to the respondents to that effect for working out the arrears and payment thereof within stipulated time to the applicant."*

4. The respondent no.3 has filed the reply-affidavit. It is stated that the present applicant is seeking relief of revision of his pay scale w.e.f. 1/1/1973 and also revision of pension and arrears thereof on the basis of G.R. dated 31/7/2004 which is of different Department. The said G.R. is dated 31/7/2004 and the application is filed in the year, 2005 after retirement of the applicant. The applicant has retired on superannuation on 31/8/2005 and till that time he never objected for the G.R. The G.R. dated 31/7/2004 is not applicable to the applicant, since it is issued by the Higher and Technical Education Department, Mantralaya, Mumbai. The said Department is not made a party.

5. It is further stated that the applicant's pay revision has already been decided in O.A.676/1998 and the relief sought has already been granted to the applicant.

6. We have heard Shri N.S. Badhe, learned counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents. Perusal of the order in earlier O.A., i.e., O.A.No.676/1998 shows that almost similar relief was claimed by the applicant regarding revision of the pay scale as per U.G.C. from time to time. In the said O.A., the G.Rs. dated 18/9/1980, 18/4/1984, 20/5/1987, 15/7/1988, 15/12/1989, 26/2/1991 & 9/3/1991 granting revised pay scales to the Physical Training Instructors in various educational Institutions were under consideration and the respondents were directed to issue necessary orders granting the revised pay scales as recommended by the U.G.C. from time to time. It seems that in view of the aforesaid directions in the O.A.No.676/1998 the pay scale of the applicant has been revised from time to time. The submission made in the reply-affidavit that the G.R. dated 31/7/2004 is not issued by the Medical Education and Drugs Department, Mantralaya, Mumbai and therefore the said G.R. is not applicable to the case of applicant cannot be accepted in view of the fact that this Tribunal has already directed the

respondent authorities to issue necessary orders granting revised pay scales as recommended by U.G.C. from time to time to the applicant with retrospective effect in O.A.676/1998. The respondents have also stated that in view of the directions issued by this Tribunal on 3/11/2000, the Medical Education and Drugs Department, Mantralaya, Mumbai has issued an order on 30/6/2001 and accordingly the pay scales of applicants have been revised and therefore the respondents now cannot say that the G.R. dated 31/7/2004 is not applicable to the applicant.

7. The learned counsel for the applicant submits that the G.R. dated 31/7/2004 shall be made applicable w.e.f. 1/1/1973 as has been made applicable to similarly situated employees. However, said contention of the Id. Counsel cannot be accepted as the decision taken by the Government vide G.R. dated 31/7/2004 has been made applicable for payment of revised pay scale from the date of issuance of the G.R. and not with retrospective effect. There is nothing on the record to show that discriminatory treatment has been given to the applicant or other employees. There is nothing on the record to show that the other employees have been paid arrears from 1/1/1973 to 31/3/1980. The services of the employees,

however, from 1/1/1973 to 31/3/1980 have been considered for Career Advancement Scheme and no discrimination has been made between the employees inter-say as claimed by the applicant.

8. The applicant also could not make out the reason as to why he immediately did not challenge the directions not granting retrospective effect vide G.R. dated 31/7/2004. Though the G.R. is issued on 31/7/2004 and has been made applicable from the said date, the O.A. is filed in the year, 2007 that too after retirement. It is admitted fact that the applicant has already got retired on 31/5/2008. In such circumstances no case has been made out to interfere in the decision taken by the Government vide G.R. dated 31/7/2004.

9. The learned counsel for the applicant invited our attention to the amended relief Clause 9 (A-1), whereby the applicant has claimed a direction to the respondent Government to grant him pay scale of Rs. 700-1600 w.e.f. 1/1/1973 and further to direct the respondents to pay the revised pay scale to the applicant. In our opinion this Tribunal has already directed respondents to grant revised pay scale as recommended by the UGC from time to time to the applicant in O.A.No. 676/1998 and it is stated that the applicant's pay

scale has already been revised accordingly. If the same is not revised, it was necessary for the applicant to file a comprehensive representation before the Government authority in this regard.

10. On a conspectus of discussion in forging paras, we are satisfied that the G.R. dated 31/7/2004 is not discriminatory or violative of Article nos. 14 & 16 of the Constitution of India and therefore the following order :-

**ORDER**

The O.A. stands dismissed with no order as to costs. The applicant, however, will be at liberty to file comprehensive representation, if his claims are not considered as directed by this Tribunal in O.A.676/1998 coupled with G.R. dated 31/7/2004. If such representation is filed within one month, the respondent authority shall take decision thereon within three months from the date of receipt of representation and shall communicate the said decision in writing to the applicant.

**(J.D Kulkarni)**  
**Vice-Chairman (J)**

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