

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 223 OF 2017

DIST. : JALNA

Vinayak S/o Uttamrao Banchod,
Age 46 years, Occu. Service,
R/o 'Shakuntam', Row House No. F-28,
Gopikishan Nagar, Near Santoshi Mata Mandir,
Jalna, Dist. Jalna.

APPLICANT

VERSUS

1. The State of Maharashtra,
Through it's Principal Secretary,
Skill Development and Entrepreneurship,
Mantralaya, Mumbai.
2. The Principal Secretary,
General Administration Department,
Mantralaya, Mumbai.
3. The Principal Secretary,
Finance Department,
Mantralaya, Mumbai.
4. The Director,
Directorate of Vocational Education
and Training, Maharashtra State,
3-Mahapalika Marg, Mumbai.
5. The Joint Director,
Vocational Education and Training,
Regional Office, Near Bhadkal Gate,
Aurangabad, Dist. Aurangabad.

RESPONDENTS

APPEARANCE :- Shri Santosh S. Jadhavar, learned Advocate
for the applicant.

: Shri M.P. Gude, learned Presenting Officer
for the respondents.

CORAM : **Hon'ble Shri B.P. Patil, Member (J)**

DATE : **7th August, 2018**

ORDER

1. By filing the present Original Application the applicant has prayed to direct the respondents to grant benefits of G.R. dtd. 14.12.2006 to him in view of his excellent performance in duties,.

2. The applicant has passed the Diploma in Mechanical Engineering. He was selected for the post of Craft Instructor in Industrial Training Institute and was accordingly appointed on the said post at I.T.I., Ambad on ad-hoc basis vide order dtd. 7.12.1996. He was continued in service as such and thereafter he was made permanent in service vide order dtd. 30.6.1999. Thereafter he was selected as a Fulltime Teacher in Government Technical High School and was accordingly appointed on the same post by order dtd. 5.12.2009. Since his appointment as a Fulltime Teacher, he rendered his services sincerely and honestly and considering the service rendered by him he has been awarded grade of "very good performance" and "outstanding performance" in almost all years in his confidential reports. He received 'very good' grade in his C.R. in the year 2011-12 while he received 'outstanding A+' grade in the years 2012-13 to 2015-16.

3. It is contention of the applicant that the respondents had issued G.Rs. from time to time for grant of advance increments to the employees, who have discharged their duties with full efficiency and were excellent in their performance. Thereafter the General Administration Department of Government of Maharashtra has issued a G.R. dtd. 14.12.2006 making the provision to grant advance increments to the employees, who have performed excellent duties and who have awarded outstanding grade, in the C.Rs. The applicant is entitled to get benefit of advance increments in view of the said G.R. Therefore, he made representations to the res. no. 5 claiming said benefit, but the res. no. 5 by the communication dtd. 18.1.2017 informed him through the Head Master of Government Technical High School, Partur that in the light of clause 27 (para 3.24) of G.R. dtd. 27.2.2009 his representations cannot be considered.

4. It is his contention that, in view of clause 27 (para 3.24) of the G.R. dtd. 27.2.2009, no specific directions regarding grant of benefit of advance increments have been issued and it has been mentioned that the issue can be considered separately by the G.A.D. It is his contention that as the G.A.D. has not taken any decision regarding the same since then and therefore the benefit of the G.R. dtd. 14.12.2006 has not been extended to him. It is

his contention that the G.R. dtd. 14.12.2006 has neither been cancelled nor has been superseded by any other G.R. and therefore he is entitled to receive said benefits. Therefore he approached this Tribunal and prayed to grant him benefits in view of G.R. dtd. 14.12.2006.

5. The res. nos. 1, 4 & 5 have filed their affidavit in reply and resisted the contentions of the applicant. They have not disputed the fact regarding appointment of the applicant initially as a Craft Instructor and thereafter as a Fulltime Teacher. They have not disputed the fact regarding grades given to the applicant in his C.Rs. of the years from 2011-12 to 2015-16. They have admitted the fact that the applicant made representations to the respondents for extending the benefits of the G.R. dtd. 14.12.2006 and reply given by the res. no. 5 to the said representations dtd. 18.1.2017. It is their contention that, in view of the recommendations of 6th Pay Commission a proposal regarding extension of benefit of advance increments was pending with the G.A.D. and, therefore, proposal of the applicant has been returned till the decision of the G.A.D. It is their contention that, during the pendency of the O.A. the G.A.D. considered the issue referred to it in view of clause 27 (para 3.24) of the G.R. dtd. 27.2.2009 and they issued a G.R. dtd. 24.8.2017 stating that benefit of

advance increment should not be extended to the Government employees in view of implementation of recommendations of 6th Pay Commission from 1.10.2006 to 1.10.2015. They have contended that in view of the said G.R. applicant's case cannot be considered for grant of advance increments and he is not entitled to get the said benefit. Therefore they prayed to reject the O.A.

6. I have heard the arguments advanced by Shri Santosh S. Jadhavar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents. I have also gone through the documents placed on record.

7. Admittedly the applicant was initially appointed as a Craft Instructor on ad-hoc basis on 7.12.1996. Thereafter he was made permanent in service by the order dtd. 30.6.1999. Admittedly the applicant was appointed as a Fulltime Teacher in Government Technical High School as per the order dtd. 5.12.2009 and since then he is serving as a Fulltime Teacher. Admittedly in the C.R. of the applicant for the year 2011-12 he has received 'very good' grade and grade 'outstanding A+' for the years 2012-13 to 2015-16. Admittedly the applicant made representations to the respondents claiming 2 advance increments in view of G.R. dtd. 14.12.2006. But the res. no. 5 informed him through Headmaster, Government Technical High School, Partur by

communication dtd. 18.1.2017 that, in view of the G.R. dtd. 27.2.2009 and more particularly as per clause 27 para 3.24 of the said G.R. the issue regarding grant of 2 advance increments to the Government servants was referred to the G.A.D. in view of implementation of recommendations of 6th Pay Commission.

8. Learned Advocate for the applicant has submitted that the Government has issued G.R. dtd. 14.12.2006 and extended the benefit of advance increments to the eligible Government employees on considering their 'extraordinary' / 'outstanding' performance. He has submitted that the applicant has rendered service with the respondents, seriously and honestly. His performance was outstanding during the years 2011-12 to 2015-16 and therefore he made representations to the respondents, but the respondents had not considered his representations. He has submitted that the G.R. dtd. 14.12.2006 has not been cancelled or superseded by another G.R. and it is in existence and operation and therefore the applicant is entitled to get advance increment in view of the said G.R. He has submitted that merely because the issue is under consideration of the G.A.D., the applicant cannot be deprived from getting the benefit of advance increments in view of earlier G.R. dtd. 14.12.2006. Therefore, he prayed to allow the

O.A. and issue directions to the respondents to extend the benefit of G.R. dtd. 14.12.2006 to the applicant.

9. Learned P.O. has submitted that initially in view of G.R. dtd. 14.12.2006 the Government decided to grant additional increments to the eligible Government employees on considering their performance. He has submitted that thereafter recommendations of 6th Pay Commission were made applicable to the Government employees. Accordingly the Committee headed by Shri P.M. Hakim was appointed and on the basis of recommendations of the said committee the Government has issued G.R. dtd. 27.2.2009 accepting the recommendations of the Committee and the pay commission. He has submitted that as per clause 27 (para 3.24) of the said G.R. a decision on the issue regarding grant of advance increments has not been taken and it has been mentioned that the G.A.D. has to take a decision independently. He has submitted that the G.A.D. took a decision in that regard on 24.8.2017 and it has been decided that the benefit of advance increments should not be granted to the Government employees for the period from 1.10.2006 to 1.10.2015, since the new pay scale as per the recommendations of 6th Pay Commission has been made applicable to them. He has submitted that in view of G.R. dtd. 24.8.2017, the applicant is not

entitled to get advance increments as provided under G.R. dtd. 14.12.2006. He has submitted that the respondents has rightly informed the applicant that his claim cannot be considered and there is no illegality therein and therefore no such directions as claimed by the applicant can be issued. Therefore he prayed to reject the O.A.

10. On perusal of record it reveals that the representations of the applicant has been sent back by the res. no. 5 on the ground that the G.A.D. has not taken the decision regarding extension of benefit of advance increments to the Government employees in view of implementation of recommendations of the 6th pay commission as per G.R. dtd. 27.2.2009. Clause 27 (para 3.24) of G.R. dtd. 27.2.2009 shows that the decision in that regard has not been taken by the Government and the said issue has been referred to the G.A.D. Thereafter the G.A.D. took a decision not to extend benefit of advance increments to the Government employees in view of implementation of the recommendations of 6th Pay Commission and accordingly G.R. dtd. 24.8.2017 in that regard has been issued. Para 3 of the G.R. dtd. 24.8.2017 is material, which is as under :-

राज्य वेतनसुधारणासमिती, २००८.
अतिउत्कृष्ट कामासाठी आगाउ वेतनवाढी
मंजूर करण्यासंदर्भातील शिफारशीवर
निर्णय घेण्याबाबत.

महाराष्ट्र शासन
सामान्य प्रशासन विभाग
शासननिर्णय क्रमांक : आवेवा-२००९/प्र.क्र. ४६/का.८
मादामकामा मार्ग, हुतात्माराजगुरु चौक,
मंत्रालय, मुंबई-४०० ०३२.
दिनांक : २४ ऑगस्ट, २०१७

संदर्भ-

- १).....
२).....

प्रस्तावना :-

- १).....
२).....

३. आगाउ वेतनवाढ ही भविष्यात काम करण्यासाठी प्रोत्साहनादाखल देण्यात येते. ६ व्या वेतनआयोगाचा १० वर्षांचा कालावधी (दिनांक १.१.२००६ ते १.१२.२०१५) हा संपलेला आहे. त्यामुळे ६ व्या वेतन आयोगासाठी प्रस्तावित आगाउ वेतनवाढ धोरण पूर्वलक्षी प्रभावाने लागू करून आगाउ वेतनवाढीचा लाभ देणे व्यवहार्य नाही. आता त्या कालावधीकरीता आगाउ वेतनवाढ धोरणाचा हेतू कालबाह्य झाला आहे. ही बाब विचारात घेउन शासन पुढील निर्णय घेत आहे :-

शासननिर्णय :-

राज्य वेतन सुधारणा समिती, २००८ यांनी शासनास सादर केलेल्या अहवालातील परिच्छेद ३.२४ मध्ये केलेल्या शिफारशीच्या अनुषंगाने तसेच संदर्भीय क्र. २ येथील शासन परिपत्रक दिनांक ३.७.२००९ मधील तरतूदीच्या अनुषंगाने खालील प्रमाणे निर्णय घेण्यात येत आहे :-

“सहाय्या वेतन आयोगानुसार सुधारीत वेतनश्रेणी अनुज्ञेय झाल्याच्या कालावधीत (दिनांक १.१०.२००६ ते १.१०.२०१५) आगाउ वेतनवाढीचा लाभ देण्यात येऊ नये.”

२.
३.

सही
(मुकेश खुल्लर)
अपरमुख्य सचिव (सेवा),
महाराष्ट्र शासन

11. In view of the above said G.R. the benefit of G.R. dtd.
14.12.2006 cannot be extended to the Government employees on

implementation of recommendations of 6th pay commission and therefore the applicant cannot claim said benefits for the said period. Therefore, in my opinion, the applicant is not entitled to claim the relief as prayed for in the O.A. His representations has been rightly rejected by the res. no. 5. Therefore, I do not find merit in the O.A. Consequently it deserves to be dismissed. Hence, I pass following order :-

ORDER

The Original Application is dismissed without any order as to costs.

PLACE : AURANGABAD
DATE : 7th August, 2018

(B.P. PATIL)
MEMBER (J)