

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 554/2014**

Shri Shyamrao Motiram Sarware,  
Aged about 57 years,  
R/o Late Rajiv Gandhi Chowk,  
Ward No. 2, Lonwahi, Tq. Shindewahi,  
Distt. Chandrapur.

-----**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary, Deptt.,  
of Public Works,  
Mantralaya, Mumbai.
2. The Superintending Engineer, Public  
Works Department, Chandrapur.  
Tq. & Distt. Chandrapur.
3. The Executive Engineer,  
Employment Guarantee Scheme,  
Public Works Department, Chandrapur.  
Tq. & Distt. Chandrapur.
4. The Sub-Divisional Engineer,  
Employment Guarantee Scheme,  
Public Works Department,  
Sub Division, Shindewahi. ,  
Tq. Shindewahi, &  
Distt. Chandrapur.

----- **Respondents.**

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1. Shri G.R. Sadar, Advocate for the applicant.
  2. Smt. S.V. Kolhe, Presenting Officer for the Respondents.

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**CORAM** : **B. Majumdar : Vice Chairman**  
and

**S.S. Hingne : Member ( J )**

**DATE** : **1<sup>st</sup> July, 2016**

**ORDER****PER VICE-CHAIRMAN**

The applicant, a Mukkadam in the Public Works Department has filed this O.A. seeking the benefits of the Scheme for grant of 'Post as per Work and Pay as per Post.' in terms of the G.R. dtd. 29/9/2003.

2. The applicant worked as a Mukkadam on daily wages from November, 1977 to August, 1978 for short periods. Thereafter during 1979 to 1986 he was appointed as a Muster Clerk in the pay scale of Rs.260-420 for short periods of few months from time to time. On 11/5/1986 he was absorbed in CRTE as a Mate in the pay scale of Rs.205-355. On 29/9/2003, the Govt. in PWD issued a G.R. laying down the policy of "Post as per Work and Pay as per Post" for grant of higher pay scale to Group-D employees, who were actually working against posts carrying a higher pay scale. Vide G.R. dtd. 18/2/2008, the Govt. granted the benefits of the above G.R. to 692 employees. The applicant is not among them. The Executive Engineer, Chandrapur (R/3) on 13/10/2008 informed the Superintending Engineer (R/2) that the applicant was not assigned any work other than that of Mukkadam, which is his original post and

even though during 1978 to 1981 he had worked as a Muster Clerk, that was for short periods of 6 months and as per requirement. Thus the applicant did not qualify for grant of the benefits of the scheme of "Post as per Work and Pay as per Post." The applicant on 7/9/2009 submitted a representation to R/3 stating therein that during the period from 1981 to 2007 as a Mukkadam, he had carried out different works of technical nature which qualify him for grant of benefits of the Scheme.

3. The applicant submits that he has a clear case for being granted the benefits of the G.R. dtd.29/9/2003 as he had worked as a Muster Clerk and had also done other works of technical nature while being posted as a Mukkadam. He further submits that he has put in service of 30 years and is nearing retirement and the Scheme as per the above G.R. was the only channel of promotion available to him.

4. The Sub-Divisional Engineer (EGS ) PWD, ~~S~~hindewahi (R/4) submits that the applicant has been working on the post of Mukkadam (Class-IV) from 1981. During 1978 to 1981 he had worked as a Muster Clerk on the basis of several orders for temporary periods. As he had not worked as a Muster Clerk for 3

*my* years on a continuous basis, he is not entitled to <sup>be</sup> absorb <sup>ed</sup> as a Muster Clerk as per guidelines of the 'Kalelkar Settlement'. The applicant was never allotted the work of any higher post and hence he does not fulfill the criterion laid down in the G.R. dtd. 29/9/2003. Hence he is not entitled to the Scheme of "Post as per Work and Pay as per Post".

5. Shri G.R. Sadar, Id. Counsel for the applicant mainly reiterated the submissions of the applicant. He also submitted that the applicant was a subscriber to the GPF scheme and was also permitted to use a two wheeler for supervising his work. This shows that he was actually working against a higher post as a regular employee

6. Smt. S.V. Kolhe, Id. P.O. for the respondents reiterated the submissions of the respondents .

7. We find that the applicant's grievance is that he has not been given the benefits of the Scheme of "Post as per Work and Pay as per Post" in terms of the G.R. of 29/9/2003. As per the G.R., the Scheme is applicable to those employees who, while holding

a lower post were actually working against a higher post. The relevant part of the G.R. is reproduced as below :-

शासन निर्णय :-

“ पाटबंधारे विभाग, सार्वजनिक बांधकाम विभाग तसेच ग्रामविकास व जलसंधारण विभागातील रूपांतरीत अस्थायी आस्थापनेवर कार्यरत असलेल्या ज्या कर्मचा-यांकडून त्यांना नेमणूक दिलेल्या मूळ पदाऐवजी इतर पदाचे काम करून घेण्यात आलेले आहे आणि तसे काम करून घेतांना त्यांना नेमणूक दिलेल्या मूळ पदानेच वेतन देण्यात आलेले आहे अशा कर्मचा-यांची विभागवार संख्या खाली दर्शविल्याप्रमाणे आहे. या कर्मचा-यांना पुढील अटीच्या अधीन राहून कामानुसार हुद्दा व हुद्दानुसार वेतन देण्यात यावे :-

अ.क्र.	विभागाचे नाव	कर्मचा-यांची संख्या
1)	पाटबंधारे विभाग	957
2)	सार्वजनिक बांधकाम विभाग	3714
3)	ग्रामविकास व जलसंधारण विभाग	362
	एकूण	5033

अटी :-

- अ) कालेलकर करारातील तरतुदीनुसार पाटबंधारे विभाग, सार्वजनिक बांधकाम विभाग तसेच ग्रामविकास व जलसंधारण विभागातील रूपांतरीत अस्थायी आस्थापनेवर कार्यरत असलेल्या ज्या कर्मचा-यांकडून दि. २८/७/१९८६ नंतर म्हणजेच नवीन पदे निर्माण करण्यास व रिक्त पदे भरण्यास बंदी घातल्या

त्या दिनांकापासून व दि. ३१/१२/१९९७ पूर्वी, त्यांना नेमणूक दिलेल्या मूळ पदाऐवजी इतर पदाचे काम करून घेण्यात आलेले आहे आणि तसे काम करून घेतांना त्यांना, त्यांचे जे पद रूपांतरीत अस्थायी आस्थापनेवर घेण्यात आले होते व त्याच पदाचे वेतन देण्यात आलेले आहे, अशा सर्व कर्मचा-यांना कामानुसार हुद्दा व हुद्दानुसार वेतन देण्यात यावे.”

8. In terms of the G.R., an employee to be entitled to the benefits of the Scheme, should have been working against a Group-D post under CRTE as per the 'Kalelkar Settlement' and while holding such a post he should be actually working on a higher (Group-C) post. The period during which he is required to fulfill these conditions is after 28/5/1986 and before 31/12/1997. In case of the applicant, we find from his service book records that he was appointed in 1978 for short periods on daily wages as a Mate and during 1979 to 1981 he was appointed for short periods of 6/3 months as a Muster Clerk in the pay scale of that post and in 1986 he was absorbed as a Mate ( Group-D) as per the 'Kalelkar Settlement'. From the above records, we find that during the relevant period, i.e., from 28/5/1986 to 31/12/1997, the applicant did not work against any higher post including that of the Muster Clerk. The applicant has failed to demonstrate that he was actually working

against such a post during the above period. Thus, as the applicant did not meet the criteria of the Scheme of "Post as per Work and Pay as per Post" in terms of the G.R. dtd. 29/9/2003, he was not entitled to get its benefits. Thus, the O.A. is without any merit, and stands rejected with no order as to costs.

9. Office to return the applicant's service book and relevant file to R/3.

sd/-

( S.S. Hingne )  
Member ( J )

Skt.

sd/-

(Signature)  
Vice-Chairman.