

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

**ORIGINAL APPLICATION NO.924 OF 2017  
(SUBJECT : 2<sup>nd</sup> Time Bound Promotion)**

**DISTRICT : MUMBAI**

1. Dr. Omkumar Manikrao Tompe, )  
C/o. Government Vidarbha Institute of Science and )  
Humanities, Amravati. )
2. Pankaja Madhav Waghmare, )  
C/o. Government College of Arts and Science, )  
Aurangabad. )
3. Dr. Alka Kashiram Hiwale, )  
C/o. Vidarbha Institute of Science & Humanities, )  
Amravati. ) **..Applicants**

**Versus**

1. The State of Maharashtra, )  
Through the Principal Secretary, )  
Higher and Technical Education Department, )  
Mantralaya, Mumbai 400 032 )
2. The Director of Education, )  
Directorate of Higher Education, )  
Maharashtra State, Central Building, )  
Pune 411 001 ) **..Respondents**

Shri Y.P. Deshmukh, learned Advocate assisted by Shri V.P. Potbhare, learned Advocate for the Applicants.

Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

**CORAM : Shri P.N Dixit, Vice-Chairman**

**DATE : 23.08.2019**

## J U D G M E N T

1. Heard Shri Y.P. Deshmukh, learned Advocate assisted by Shri V.P. Potbhare, learned Advocate for the Applicants and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2. The Applicants had filed earlier O.A.No.781 of 2013. The Applicants had succeeded in this O.A. and this Tribunal had issued following directions :-

*“58. ...., we direct that the Applicants shall be entitled to regular salary from 1<sup>st</sup> August, 2015 and would not be entitled to claim any monetary benefits for the past services rendered by them in spite of their regularization. Needless to state that since the above referred Applicants’ services are regularized, they shall be entitled to the continuity in service for all other purposes except monetary purposes from the date of their first appointment. The Government may take an appropriate decision about the scheme of pension applicable to the Applicants.”*

Accordingly, the Government issued Government Resolution on 23.03.2016 (Exhibit-B. page 18). The relevant portion of the G.R. is as under:-

“शासन निर्णय :-

२) सेवा नियमित करण्यात आलेल्या सहाय्यक प्राध्यापक /ग्रंथपाल/ शारिरिक शिक्षण संचालक यांना त्यांच्या सेवा नियमित केल्याच्या दिनांकापासून सर्व सेवा विषयक लाभ मंजूर करण्यात येत आहेत.  
४) या हंगामी/ कंत्राटी अधिव्याख्याते / ग्रंथपाल/ शारिरिक शिक्षण संचालक यांना मा. न्यायालयाच्या निर्णयानुसार व त्यांच्या नावासमोर दर्शविलेल्या दिनांकापासून नियमित वेतन व नियमानुसार अनुज्ञेय असलेले भ-ते देय राहतील.

शासन निर्णय क्र.नियुक्ती-२०१६/(प्र.क्र.०७/०६)/ मशि-१ दिनांक २३.०३.२०१६ सोबत विवरणपत्र

अ क्र	नांव	पदनाम	प्रवर्ग	सध्या कार्यरत असलेले महाविद्यालय/ संस्था	हंगामी / कंत्राटी	सेवा नियमित करण्याचा दिनांक	नियमित वेतन लागू करण्याचा दिनांक
५	श्रीमती पी. एम. वाघमारे	सहाय्यक प्राध्यापक, संस्कृत	खुला	वसंतराव नाईक शासकीय कला व समाजविज्ञान संस्था, नागपूर	हंगामी	१४-०८-२०००	०१.०८.२०१५
६	डॉ. ओमकुमार माणिकराव टोम्पे	सहाय्यक प्राध्यापक, संस्कृत	खुला	वसंतराव नाईक शासकीय कला व समाजविज्ञान संस्था, नागपूर	हंगामी	३०-०८-२०००	०१.०८.२०१५

९	डॉ. श्रीमती अलका हिवाळे	सहाय्यक प्राध्यापक, मराठी	अ. जा.	शासकीय विदर्भ ज्ञान विज्ञान संस्था, अमरावती	हंगामी	२८-०८-२०००	०९.०८.२०१५
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Applicants have moved the present O.A. for implementation of the same with following prayer :-

**“10. Reliefs sought :**

a) *To hold and declare that the Applicants are entitled for being considered for grant of CAS benefits along with arrears of pay and allowances from the respective dates it became due.”*

3. Pending the Original Application Respondents issued Government Resolution on 08.03.2018 (Exhibit R-1, page 139). The relevant portion of the same reads as under :-

**“शासन निर्णय :** संचालनालय स्तरावरून गठित करण्यात आलेल्या समितीची शिफारस तसेच शासन निर्णय दिनांक ६.३.१९९९ अन्वये वरिष्ठ व निवडश्रेण्यांमध्ये स्थाननिश्चिती करताना खंडीत सेवा ग्राह्य धरण्यासंदर्भात विहित केलेले निकष व सहाय्या वेतन आयोगाच्या संदर्भात विद्यापीठ अनुदान आयोगाची अधिसूचना एफ ३.१/२००९ व दिनांक ३०.६.२०१० मधील तरतूदी विचारात घेऊन श्री. ओमकुमार माणिकराव टोम्पे, श्रीम. पंमज वाघमारे व श्रीम. अलका हिवाळे यांना त्यांच्या नावासमोर दर्शविण्यात आलेल्या दिनांकापासून सेवांतर्गत प्रगती योजनेंतर्गत (CAS) वरिष्ठश्रेणी, निवड श्रेणी मध्ये स्थाननिश्चिती करण्यास शासन मान्यता देण्यात येत आहे. सदर स्थाननिश्चिती मा. उच्च न्यायालय, मुंबई येथे दाखल याचिका क्रमांक ८७०८/२०१५ च्या अंतिम निर्णयाच्या अधिन राहून करण्यात येत आहे.

अ. क्र.	सहाय्यक प्राध्यापकाचे नांव	विषय	महाविद्यालया चे नांव	शिफारस करण्यात आलेला दिनांक		सेवाखंड क्षमापित
				वरिष्ठ श्रेणी	निवडश्रेणी	
१	श्री. ओमकुमार माणिकराव टोम्पे	संस्कृत	शासकीय विदर्भ ज्ञान विज्ञान संस्था, अमरावती	०६.०९.२००४	१६.०९.२०१२	१२९ दिवस
२	श्रीम. पंकजा माधवराव वाघमारे	संस्कृत	शासकीय ज्ञान विज्ञान, महाविद्यालय, औरंगाबाद	२०.१०.२००६	२०.१०.२०११	६६ दिवस
३	श्रीम. अलका काशिराम हिवाळे	मराठी	शासकीय विदर्भ ज्ञान विज्ञान संस्था, अमरावती	२४.०३.२०१५	....	४३ दिवस

वरिष्ठश्रेणी व निवडश्रेणीत स्थाननिश्चिती देण्याबाबत वेतनश्रेणीचा तपशील पुढीलप्रमाणे आहे :-

स्थान निश्चितीतील श्रेणी	दि. १/१/१९९६ पासून पुढे	दि. १/१/२००६ पासून पुढे
वरिष्ठ श्रेणी	रु. १००००-१५२००/-	रु. १५६००-३९१०० (ग्रेड वेतन-७०००/-)
निवड श्रेणी	रु. १२०००-१८३००/-	रु. १५६००-३९१०० (ग्रेड वेतन-८०००/-)

..... तथापि त्यांना पूर्वीच्या सेवा कालावधीत केलेल्या सेवेच्या संदर्भात कोणत्याही प्रकारचे आर्थिक लाभ (Monetary benefits) अनुज्ञेय राहणार नाहीत.

#### 4. Submissions by the Applicants :

The date of regularization of services of the Applicants should be as per G.R. dated 01.08.2015 and should not be of the date of issue of G.R. dated 23.03.2016.

#### 5. Submissions by the Respondents :

Respondents No.1 and 2 have filed their affidavit-in-reply (page 136) and relevant portion of the reply is at paragraph No.4. The same is as under:-

*"4. It is further submitted that as per the prayer of the applicants the respondent no.1 i.e. State Government as issued G.R. No.Nyay-Pra-2017(246/17)Mashi-1, Dated 08/03/2018 whereby the applicants have granted benefits of Senior Scale, Selection Grade under CAS. The said benefits have been granted to the applicants taking into the consideration the G.R. dated 12/08/2009 and as per the 6<sup>th</sup> Pay Commission's Regulation and also subject to the final decision of Bombay High Court in Writ Petition No.8708/2015. Further it is submitted that the monetary benefits of the placement in Senior Scale, Selection Grade under CAS are entitled to the applicants from the date of issuance of G.R. i.e. 08/03/2018. A copy of the said G.R. dated 08/03/2018 is hereby annexed and marked as **Exhibit R-1**.*

6. The issue for consideration is whether the Applicant is entitled for CAS from 01.08.2015 as per the judgment given by the Tribunal. As clarified by judgment in O.A.No.781 of 2013 which directed Respondents that the

Applicant shall be entitled to regular salary from 01.08.2015. The same has been accordingly reflected in the G.R. issued on 23.03.2016 as mentioned above. The G.R. categorically mentions that the Applicants are entitled for regularization and monetary benefits from 01.08.2015. Affidavit by Respondents does not provide any reasons for not doing so.

7. In view of the foregoing, as stated in G.R. issued on 23.03.2016 needs implementation in true spirit. The Applicants are eligible for monetary benefits under CAS from 01.08.2015 as directed in the judgment by this Tribunal. The subsequent G.R. issued on 08.03.2018 which states that the benefits should be given from date of issue of G.R. namely 23.03.2016 is erroneous, hence quashed and set aside.

8. Original Application, therefore, succeeds and Respondents are directed to do needful as directed above in paragraph 7 within a period of one month from the date of this order. No order as to costs.

Sd/-  
**(P.N Dixit)**  
**Vice-Chairman**

prk