

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 563 OF 2018

DISTRICT: - BEED.

Mr. Pandurang Dadulal Lahoti

Age : 58 years, Occ. Pensioner,
R/o Kaveri Plaza Road, Parli Vajanath,
Tq. Parli Vajanath, Dist. Beed.

.. APPLICANT.

V E R S U S

1. The State of Maharashtra,

Through Secretary,
Medical Education and
Drugs Department,
Mantralaya, Mumbai.

2. Director,

Medical Education and Research,
Mumbai.
Government Dental College & Hospital
Building, 4th Floor Saint Jorje Hospital
Compound, P. Domelo Road, Fort
Mumbai 400001.

.. RESPONDENTS.

APPEARANCE : Shri. Gaurav L. Deshpande, learned
Advocate for the applicant.

: Smt. Sanjivani Deshmukh-Ghate,
learned Presenting Officer for the
respondents.

CORAM : **SHRI B.P. PATIL, VICE CHAIRMAN**

RESERVED ON : **02.07.2019**

PRONOUNCED ON : **08.07.2019**

ORDER

By filing the present Original Application, the applicant has challenged order dated 19.05.2018 passed by respondents rejecting his claim for giving higher pay scale at par with pay scale given to the employees working on the similar post in other departments.

2. The applicant was initially appointed by an order dated 15.10.1986 as a Charge-man in the pay scale of Rs. 250-435 in the Medical Education and Drugs Department and he was posted in Swami Ramanand Teerth Rural Government Medical College & Hospital Ambajogai. Accordingly he joined the service on 16.10.1986. After rendering the service for more than 23 years he retired from the Government service. On 25.05.1992 & 28.05.1992 he filed a representation and requested that he may be granted pay scale of Rs. 1640-2900 from the date of his initial appointment i.e. January, 1986, but the respondents had not taken any decision and, therefore, he had approached this Tribunal by filing the Original Application bearing No. 583/2011. The said Original Application was partly allowed by this Tribunal on 30.01.2016 with a direction to the respondents to consider the representation filed by the applicant.

3. After disposal of the aforesaid O.A. the Deputy Director sought comparative information from Swami Ramanand Teerth Rural Government Medical College & Hospital Ambajogai, regarding workload of the Charge-man by letter dated 07.11.2017 and after considering his report he passed the impugned order dated 19.05.2018 and rejected the representation filed by the applicant stating that the pay scale claimed by the applicant cannot be applied to the post of Charge-man in Medical Education and Drugs Department. It is contention of the applicant that he was holding post of Charge-man in the Medical Education and Drugs Department and getting pay scale of Rs. 950-1400. He has contended that similar posts of Charge-man are created in Dairy Department and Technical Education Department. Similar educational qualification is required for getting appointment on the post of Charge-man in Dairy Department and Technical Education Department and nature of work of Charge-man working in different departments is also similar but there is difference in the pay scales given to the Charge-man working in different departments. It is his contention that he was getting pay scale of Rs. 950-1400 while Charge-man working in Dairy Department was getting pay scale of

Rs. 1640-2900 and Charge-man working in the Technical Education Department is getting pay scale of Rs. 1400-2600. It is his contention that Charge-man working in Medical Department has to carry more responsibility as his work is more risky than the Charge-man working in other departments of the Government. He must be attentive and has to look after that electricity supply should not be interrupted during operations. Therefore, he claimed the pay in the pay scale of Rs. 1640-2900 given to the Charge-man working in the Dairy Department on the ground of parity. It is his contention that the respondents had not considered all these aspects and wrongly rejected the representation filed by him. Therefore, he has prayed to quash the impugned order by allowing the present Original Application and to grant him pay scale of Rs. 1640-2900 from the date of his initial appointment.

4. Respondent Nos. 1 & 2 have filed affidavit in reply and resisted the contentions raised by the applicant in the Original Application. They have not disputed the fact that the applicant had been appointed as a Charge-man in Medical Education and Drugs Department and posted at Swami Ramanand Teerth Rural Government Medical College &

Hospital Ambajogai. They have admitted the fact that the applicant has retired after rendering the service of about 23 years. They have not disputed that the applicant had filed earlier O.A. No. 583/2011 seeking directions to the respondents to pay him pay scale of Rs. 1640-2900 from the date of his initial appointment and direction given by this Tribunal therein.

5. It is their contention that the post of Charge-man in the Medical Education and Drugs Department is Class-III post. The post of Charge-man in Dairy Department and Technical Department are supervisory posts. The work allotted to the Charge-man working in the Medical Education and Drugs Department and work allotted to the Charge-man working in the Dairy Department and Technical Education Department are different. The post of the Charge-man in Medical Education and Drugs Department is not equivalent to the post of Charge-man in Dairy Department and Technical Education Department. Therefore, the pay scale given to the Charge-man in other department cannot be given to the applicant. It is their contention that there are separate Recruitment Rules for the post of Charge-man in Medical Education and Drugs Department. As per the Recruitment

Rules, pay scale of Rs. 950-1400 was provided to the post of Charge-man and accordingly the said pay scale has been given to the applicant. It is their contention that the work assigned to the Charge-man working in other departments is of supervisory in nature; while the work assigned to the Charge-man in Medical Education and Drugs Department is not of supervisory in nature. Therefore, the claim raised by the applicant cannot be considered. They have submitted that they have considered the duties assigned to the Charge-man working in Medical Education and Drugs Department, as well as, Charge-man working in the Dairy Department and Technical Education Department and thereafter they have passed impugned order. It is their contention that there is no illegality in the impugned order and, therefore, they prayed to reject the present Original Application.

6. I have heard the arguments advanced by Shri Gaurav L. Deshpande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents. I have perused the application, affidavit, affidavit in reply filed by the respondent Nos. 1 & 2. I have also perused the documents placed on record by both the parties.

7. Admittedly, the applicant was initially appointed on the post of Charge-man in the Medical Education and Drugs Department and posted in Swami Ramanand Teerth Rural Government Medical College & Hospital Ambajogai by an order dated 15.10.1986 in the pay scaly of Rs. 250-435. Accordingly he joined the service on 16.10.1986. After completion of continuous service for more than 23 years he retired from the Government service. The Government of Maharashtra by Government Resolution dated 18.9.1964 framed rules for recruitment for the post of Charge-man, first Charge-man for Workshop and Laboratory and applicant has been appointed accordingly. Admittedly, the applicant was getting pay scale of Rs. 950-1400 in the Medical Department of Government of Maharashtra; while the Charge-man working in the Dairy Department was getting pay scale of Rs. 1640-2900 and Charge-man working in the Technical Education Department was getting pay scale of Rs. 1400-2600. As there was disparity in the pay scales, the applicant has approached this Tribunal by filing Original Application bearing No. 583/2011 and claimed the pay scale given to the post of Charge-man in the Dairy Department i.e. Rs. 1640-2900. The said Original Application was disposed of on

30.01.2016 with a direction to the respondents to decide the representation filed by the applicant. Thereafter, the respondents collected the information regarding the duties assigned to the Charge-man working in different departments and duties assigned to the applicant. After considering the said information the respondents rejected the representation filed by the applicant on the ground that the post of Charge-man in Medical Education and Drugs Department is not supervisory post; while posts of Charge-man in Dairy Department and Technical Education Department are of supervisory in nature and the work assigned to those posts are different than the work assigned to the applicant.

8. Learned Advocate for the applicant has argued that the Educational Qualification for appointment on the post of Charge-man working in Medical Education and Drugs Department, Dairy Department and Technical Education Department are the same. The nature of work assigned to each of them is also the same, but there is difference in the pay scales of the Charge-man working in different departments. He has submitted that the applicant was getting pay scale of Rs. 950-1400; while Charge-man working in Dairy Department was getting pay scale of Rs. 1640-2900

and Charge-man working in Technical Education Department was getting pay scale of Rs. 1400-2600. He has submitted that as there is discrimination in pay scales, the applicant is entitled to get pay scale of Rs. 1640-2900, which is given to the Charge-man working in Dairy Department. He has attracted my attention towards assignment of work of the Charge-man working in other departments, as well as, work assigned to the applicant, in support of his submission. He has submitted that without considering all these aspects the respondents have rejected the representation of the applicant and, therefore, he prayed to quash and set aside the impugned order dated 19.05.2018 passed by respondents rejecting his claim for giving higher pay scale paid to the Charge-man working in other departments, by allowing the present Original Application.

9. Learned Presenting Officer has submitted that as per the directions given by this Tribunal in O.A. No. 583/2011, the respondents collected the information regarding the duties allotted to the Charge-man working in Medical Education and Drugs Department, Dairy Department and Technical Education Department. The work assigned to the applicant was not of supervisory nature; while work assigned

to the Charge-man working in Dairy Department and Technical Education Department was supervisory in nature. More responsibility was casted on the Charge-man working in other departments than the applicant and, therefore, the pay scale given to the Charge-man working in other departments was different, considering the nature of work and, therefore, on the ground of parity pay scale given to those Charge-man cannot be given to the applicant. He has submitted that the respondents have rightly rejected the representation / application of the applicant and there is no illegality. Therefore, he prayed to reject the present Original Application.

10. On perusal of the record, it reveals that the applicant has not produced a single document to show the work / duty assigned to him while working as Charge-man. On the contrary, the Rules for recruitment to Gazetted and Non-gazetted posts in Milk Department produced by the respondents shows that the post of Charge-man in Dairy Department is a promotional post. The recruitment rules for the post of Charge-man and Assistant Charge-man in workshop and laboratory in Technical Department also shows that it is a promotional post. The duties assigned to these

Charge-man working in Dairy Department shows that the post of Charge-man is supervisory in nature; while the document produced by the respondents at page No. 111 of paper book of O.A. shows that nature of work assigned to the post of Charge-man working in the Medical Education and Drugs Department is not of supervisory nature. He has to look after the maintenance of the electrical equipment only. All these documents show that the work assigned to the Charge-man in other department than the Medical Education and Drugs Department are different and Charge-man working in other departments carries more responsibility than the Charge-man working in the Medical Education and Drugs Department. As the Charge-men working in Dairy Department and Technical Education Department are shouldering more responsibility, the different pay scale i.e. higher pay scale has been given to them. Therefore, the applicant cannot claim the pay scale given to those Charge-men working in Dairy Department and Technical Education Department, on the ground of parity. Therefore, I do not find any disparity in the pay scale given to the applicant. Considering the nature of work assigned to the applicant, the pay scale of Rs. 950-1400 has been given him. The

respondents have considered all the aspects and rejected the application / representation filed by the applicant. I do not find any illegality in the order passed by the respondents, rejecting the claim of the applicant. Therefore, no interference is called for in the impugned order dated 19.05.2018. There is no merit in the present Original Application. Consequently, it deserves to be dismissed.

11. In view of the discussions in the foregoing paragraphs, the present Original Application stands dismissed without any order as to costs.

VICE CHAIRMAN

PLACE : AURANGABAD.

DATE : 08.07.2019

O.A.NO.563-2018(SB-Pay Scale)-HDD-2019