

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 219/2022 (S.B.)**

Shri Rupchand s/o Shripad Ramteke,  
Aged 73 years, Occu. : Retired,  
R/o Post : Akot, Tah. : Paoni,  
Dist. : Bhandara.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
through its Secretary,  
Department of Rural Development,  
Mantralaya, Mumbai.
2. The State of Maharashtra,  
through its Secretary,  
Department of E.G.S.,  
Mantralaya, Mumbai.
3. The Collector, Bhandara.
4. The Collector, Gondia.
5. The Chief Executive Officer,  
Zilla Parishad, Gondia.

**Respondents**

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**Shri G.G.Bade, Id. Advocate for the applicant.**

**Shri V.A.Kulkarni, Id. P.O. for the Respondents 1 to 4.**

**None for R-5.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGEMENT**

**Judgment is reserved on 22<sup>nd</sup> June, 2023.**

**Judgment is pronounced on 28<sup>th</sup> June, 2023.**

Heard Shri G.G.Bade, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents 1 to 4. None for R-5.

2. The applicant was appointed as Muster Assistant in December, 1979. He worked upto June, 1983 with technical breaks (A-1). His termination was set aside by the judgement dated 31.05.1991 (A-2) by Labour Court, Bhandara. His termination was held to be bad. He was held entitled to 25% back wages. He was granted continuity in service. Industrial Court, Nagpur upheld the judgement dated 31.05.1991. By order dated 19.12.2003 the applicant was absorbed on a Class-IV post in the respondent department as Attendant. He retired on superannuation on 28.02.2009. It is his grievance that he was deprived of pensionary benefits. Hence, this O.A..

3. In judgment dated 21.03.2003 in W.P. No. 5748/2019 the Hon'ble Bombay High Court relied on the Judgement of the Hon'ble Supreme Court and observed :-

*“5. We find that the very same issue as regards entitlement of Muster Assistants to get pensionary benefits has been considered by the Hon'ble Supreme Court in Shaikh Miya Shaikh Chand (supra). The relevant date for reckoning the pensionary benefits is taken as 31.03.1997. We find that the petitioner is similarly situated. Though appointed on 05.02.1985, he was directed to be treated as in employment with continuity in service by the Labour Court when the order of termination dated 14.07.1988 was set aside. Notwithstanding the absorption of his services on 10.06.2003 in the light of the aforesaid decision, the petitioner would be entitled to the pensionary benefits by taking into consideration the relevant date as 31.03.1997.”*

In view of aforesaid factual and legal position the O.A. deserves to be allowed in the following terms – It is held that the applicant became entitled to receive pensionary benefits by considering his entry in service from 31.03.1997. Consequential benefits shall be extended to him. **Arrears shall be paid within three months from today.** No order as to costs.

**(Shri M.A.Lovekar)**  
**Member (J)**

**Dated :- 28/06/2023.**  
**aps**



I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 28/06/2023.  
and pronounced on

Uploaded on : 30/06/2023.