

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

ORIGINAL APPLICATION NO.320 OF 2010

DISTRICT : Jalna, Latur, A'bad

1. Nagare Pralhad Namdeo,)
Age 61 years, Occ. Nil,)
R/o. Samarth Krupa Niwas, Plot)
No.6, Archana Nagar, Ambad Road,)
Jalna.)
2. Tamboli Gautam Baburao,)
Age 45 years, Occ. Service)
Police Wireless Inspector (E),)
Under Commandant, SRPF Group)
III, Jalan, R/o. Jalna.)
3. Balraj Subhash Laxman,)
Age 49 years, Occ. Service,)
Wireless Opertor (Police Head)
Constable), Under Commandant,)
SRPF Group III, Jalna, R/o. Jalna.)
4. Shaikh Rafik Hussain,)
Age 45 years, Occ. Service,)
Head Wireless Operator (ASI), Under)
Commandant, SRPF Group III,)
Jalna, R/o. Jalna.)
5. Wagh Kashinath Nivrutti,)
Age 52 years, Occ. Service,)
Police Wireless Sub-Inspector (T),)
Office of Supt. Of Police, Jalna.)

6. Pardeshi Zendusing Bandusing,)
Age 55 years, Occ. Service,)
Head Wireless Operator (ASI), Under)
Supt. Of Police, Jalna, R/o. Jalna.)
7. Yadav Goroba Pandharinath,)
Age 59 years, Occ. Nil,)
R/o. Wachala Niwas, Tirupati Nagar,))
Sai Road, Latur – 413 512.)
8. Salujke Venkat Ramrao,)
Age 47 years, Occ : Service,)
Head Wireless Operator (ASI),)
Under Supt. Of Police, Latur.)
9. Rohile Hanumant Tukaram,)
Age 48 years, Occ : Service,)
Head Wireless Operator (ASI),)
Under Supt. Of Police, Latur.)
10. Wadekar Pundlik Sidram,)
Age 49 years, Occ. Service,)
Head Wireless Operator (ASI),)
Under Supt. Of Police, Latur.)
11. Pawar Dattu Venkoba,)
Age 49 years, Occ : Service,)
Head Wireless Operator (ASI),)
Under Supt. Of Police, Latur.)
12. Bagal Mahadeo Muralidhar,)
Age 57 years, Occ : Service,)
Police Wireless Sub-Inspector (T),)
Under Supt. Of Police, Latur.)
13. Pawar Prabhakar Digambar,)
Age 51 years, Occ : Service,)
Head Wireless Operator (ASI),)
Under Supt. Of Police, Osmanabad.)

14. Wadane Prabhakar Janakrao,)
 Age 54 years, Occ : Service,)
 Head Wireless Operator (ASI),)
 Under Supt. Of Police, Osmanabad.)
15. Hiswankar Krishna Uttamrao,)
 Age 45 years, Occ : Service,)
 Police Wireless Sub-Inspector (E),)
 Under Supt. Of Police, Aurangabad (R))
16. Dhage Raosaheb Shamrao,)
 Age 57 years, Occ : Service)
 Police Wireless Sub-Inspector (T),)
 Under Supt. Of Police,)
 Aurangabad.)
17. Shaikh Ahmed M. Hussain,)
 Age 57 years, Occ : Service,)
 Head Wireless Operator (ASI),)
 Under Supt. Of Police,)
 Aurangabad (Rural).)
18. Shaikh Hamid Shaikh Rahim,)
 Age 49 years, Occ : Service,)
 Head Wireless Operator (ASI),)
 Under Supt. Of Police, A'bad (R).)
19. Nagargoje Shivaji Santaram,)
 Age 48 years, Occ : Service,)
 Police Wireless Inspector (T),)
 Under Police Wireless E.Z.Nagpur ,)
 Camp-Aurangabad.)
20. Joshi Santosh Jagannath,)
 Age 45 years, Occ : Service,)
 Police Wireless Inspector (E),)
 Under Police Wireless E.Z.Nagpur)
 Camp-Aurangabad.)

21. Deshpande Subhashchandra G.)
 Age 59 years, Occ : Nil,)
 R/o. Cidco, N-7, K-45, Jay)
 Bajarang Colony, Aurangabad.)
22. Kathar Ramesh Vithalrao,)
 Age 42 years, Occ : Service,)
 Police Wireless Inspector (E),)
 Under Supt. Of Police, A'bad (R).) **...Applicants**

VERSUS

1. Additional Chief Secretary, Home)
 Department, Mantralaya, Mumbai 32)
2. The Director General of Police,)
 Maharashtra State, Shahid Bhagat)
 Singh Marg, Dr. Shama Prasad)
 Mukharjee Chowk, Mumbai.)
3. The Director of PoliceWireless Dept.)
 And Additional Director General of)
 Police, M.S., Pune – 411 008.)
4. The Secretary, Finance Department,)
 Mantralaya, Mumbai 400 032.) **....Respondents**

Shri Ajay Deshpande, the learned Advocate for the Applicants.

Mrs.Reshma Deshmukh, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal, Vice-Chairman
 Shri B. P. Patil, Member (J)**

DATE : 08.03.2017

PER : Shri Rajiv Agarwal, Vice-Chairman

ORDER

1. Heard Shri Ajay Deshpande, the learned Advocate for the Applicants and Mrs. Reshma Deshmukh, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicants challenging Govt. Resolutions dated 18.03.2010 and 07.05.2009 and corrigendum dated 29.06.2009.

3. Learned Presenting Officer (PO) argued on behalf of the Respondents that the issues raised in this O.A. has been decided by this Tribunal by judgment dated 21.10.2016 in O.A. No.327 and 666/2010. In those O.A.s also, validity of G.R. dated 07.05.2009 and its corrigendum dated 16.09.2009 was challenged. This Tribunal has held that :-

“we find that these clarifications in G.R. dated 07.05.2009 (and corrigendum dated 26.09.2009) are quite reasonable and logical. The pay of the Applicants and other similarly situated persons is to be fixed accordingly with effect from 01.01.1986 and salary in 6th Pay Commission has to be fixed on that basis. No recovery, if any excess payment has been made in the past, is to be effected. We do not find that this is a case requiring our interference and it deserves to be dismissed”.

4. As regards G.R. dated 18.03.2010, this Tribunal has held that :

“The Applicants had retired before the G.R. dated 18.03.2010 was issued. In any case, we had rejected the prayer for quashing this G.R. is other related O.A.s”

5. Learned P.O. contended that this Tribunal has already upheld validity of G.R. dated 07.05.2009 (and corrigendum dated 29.06.2009) and G.R. dated 18.03.2010. The Applicants in this O.A. are similarly situated person as the Applicants in O.A. No.327/2010.

6. We find that the prayers of the Applicants in this O.A. are almost identical with the prayers in O.A. No.327/2010. The judgment of this Tribunal in the aforesaid O.A. has considered the earlier judgment of this Tribunal in O.A. No.647/1996. After considering all the relevant facts, this Tribunal by judgment dated 21.10.2016, has upheld the validity of G.R. dated 07.05.2009 (and corrigendum dated 29.06.2009) and G.R. dated 18.03.2010. We are bound to follow our earlier judgments.

7. Having regard to the aforesaid facts and circumstances of the case, this O.A. is dismissed with no order as to costs.

(B. P. PATIL)
MEMBER (J)

(RAJIV AGARWAL)
(VICE-CHAIRMAN)

Date : 08.03.2017

Place : Aurangabad

Dictation taken by : VSM

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